



भारत का गज़त

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मई विल्सो, रानिवार, सितम्बर 9, 1995/भाद्र 18, 1917

No. 36]

NEW DELHI, SATURDAY, SEPTEMBER 9, 1995/BHADRA 18, 1917

इस भाग में भिन्न पाठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंशालयों (रक्षा मंत्रालय के छाड़कर) द्वारा जारी किए गए सार्विक आदेश और अधिसूचाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

विधि, न्याय और कम्पनी कार्य मंत्रालय
(विधि कार्य विभाग)

न्यायिक अनुभाग

सूचना

नई दिल्ली, 21 अगस्त 1995

का.आ. 2389.—नोटरीज नियम, 1956 के नियम 6^१ के अनुसरण में मक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री श्री मदन मोहन राव, एस्ट्रोबेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे हैदराबाद (आधि प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का वाक्तेप इस सूचना के प्रकाशन के त्रौदह दिन के भीतर नियित रूप से मेरे पास भेजा जाए।

[म. 5 (142)/95-न्यायिक]
पी.सी. कन्नन, मक्षम प्राधिकारी

MINISTRY OF LAW, JUSTICE & COMPANY
AFFAIRS

(Department of Legal Affairs)
Judicial Section

NOTICE

New Delhi, the 21st August, 1995

S.O. 2389.—Notice is hereby given by the Competent Authority in pursuance of Rule 6a of the Notaries Rules, 1956 that application has been made to the said Authority under Rule 4 of the said Rules, by Shri B. Madana Mohana Rao, Advocate for appointment as a Notary to practice in Hyderabad (A.P.).

2. Any objection of the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(142)/95-Judl.]

P. C. KANNAN, Competent Authority

कलकत्ता, 31 मई, 1995

आयकर

का.आ. 2390.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड(ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संबंध के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक संविधि, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रोफेशनल भवन" न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिवेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिवेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिमर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

नेशनल इंस्टीच्यूट ऑफ एडवांसड स्टडीज,
इंडियन इंस्टीच्यूट ऑफ सायन्स कैम्पस
बंगलौर-560012

यह अधिसूचना दिनांक 1-4-95 से 31-3-98 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपयुक्त शर्त (1) "संच" जैसा संबंध के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निवेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिवेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र की विभाग को प्रस्तुत करना है।

[संख्या : 1388/एफ. स. म.नि./आ.क. (छूट)/के.टी-
40/35(1)(ii)/91]
आर. सिंह, उप निवेशक

Calcutta, the 31st May, 1995

INCOME TAX

S.O. 2390.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

National Institute of Advanced Studies,
Indian Institute of Science Campus,
Bangalore-560012.

This Notification is effective for the period from 1-4-1995 to 31-3-1998.

Notes.—(1) Condition (i) above will not apply to organisations categorised as associations.

- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1388/F. No. DG/IT(E)/KT-40/35(1)(ii)/91-(E)]

R. SINGH, Dy. Director

कलकत्ता, 31 मई, 1995

आयकर

का.आ. 2391.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड(ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संबंध के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के

31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रोद्योगिकी भवन" न्यू महरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

नेशनल एप्रीकल्चर एण्ड सांस्टिफिक रिसर्च
फाउन्डेशन 23/24, राधा बाजार, स्ट्रीट
कलकत्ता-700001

यह अधिसूचना दिनांक 1-4-95 से 31-3-98 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संच" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है।

[संख्या : 1389(एफ. स. म. नि./आ. क. (छूट)/डब्लू-वि-15
/35(1)(ii)/89)]
आर. सिंह, उपनिदेशक

Calcutta, the 31st May, 1995

INCOME TAX

S.O. 2391.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :—

- The organisation will maintain separate books of accounts for its research activities;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation,

by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

National Agricultural and Scientific Research Foundation,
23/24, Radha Bazar, Street,
Calcutta-700001.

This Notification is effective for the period from 1-4-1995 to 31-3-1997.

Notes.—(1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1389/F. No. DG/IT(E)/WB-15/35(1)(ii)/89]

R. SINGH, Dy. Director

कलकत्ता, 31 मई, 1995

आयकर

का.आ. 2392—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के लिए (ii) के लिये आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिये अलग लेखा बहिरां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक विस्तीर्ण वर्ष के लिये प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रोद्योगिकी भवन" न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

संजय गांधी एम्सीडेट हास्पिटिट एंड रिसर्च इंस्टीट्यूट,
जया नगर, 4 'टी' ब्लॉक, बंगलौर-560041

यह अधिसूचना दिनांक 1-4-95 से 31-3-98 तक
की अवधि के लिये प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिये
लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे
अनुमोदन की अवधि बढ़ाने के लिये आवकर
आयुक्त/आयकर निदेशक (छूट) जिनके
क्षेत्राधिकार में संगठन पड़ता है के माध्यम से
आयकर महानिदेशक (छूट), कलकत्ता को
तीन प्रतियों में आवेदन करें, अनुमोदन की
अवधि बढ़ाने के संबंध में किये आवेदन-पत्र
की छुट प्रतियों विभाग को प्रस्तुत करता है।

[संख्या 1390/एक सं. म.नि./आ.क. (छूट)/के.
आ.क. (छूट)के.टि.-41/35(1)(ii)/92]

आर. सिंह, उप निदेशक

Calcutta, the 31st May, 1995

INCOME TAX

S.O. 2392.—It is hereby notified for general information
that the organisation mentioned below has been approved
by the Prescribed Authority under Rule 6 of the Income-tax
Rules, for the purposes of clause (ii) of sub-section (1) of
Section 35 of the Income-tax Act, 1961 under the category
"Institution" subject to the following conditions:—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Sanjay Gandhi Accident Hospital and
Research Institute,
Jayanagar, IV 'T' Block,
Bangalore-560041.

This Notification is effective for the period from 1-4-1995
to 31-3-1998.

Notes.—(1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the

approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1390/F. No. DG/IT(E)/KT-41/35(1)(ii)/92-IT(E)]

R. SINGH, Dy. Director

कलकत्ता, 31 मई, 1995

आयकर

का. आ. 2393.—सर्वसाधारण को एतद्वारा सूचित किया
जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम,
1961 की धारा 35 की उपधारा (i) के खण्ड (ii) के
लिए आयकर नियम के अधीन विहित प्राधिकारी
द्वारा निम्नलिखित शर्तों पर "संघ" के संवर्ग के अधीन अनु-
मोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अनग्र लेखा यहिया
रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का
एक वार्षिक विवरण प्रत्येक विनियम वर्ष के लिए प्रत्येक वर्ष
के 31 मई तक सचिव, वैज्ञानिक व आयोगिक अनुसंधान विभाग
प्रोद्योगिकी अनुसंधान विभाग, प्रोद्योगिकी भवन, न्यू महरौली-
रोड, नई दिल्ली - 110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा—
परीक्षीत वार्षिक लेखा की प्रति (क) आयकर महानिदेशक
(छूट), (ख) सचिव वैज्ञानिक तथा आयोगिक अनुसंधान
विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट)
जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर
अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च
किया गया संवंधित छूट के बारे में क्षमा-परीक्षित आयन्यय
हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

दी रिसर्च एसोसिएशन, 113, पार्क स्ट्रीट,
कलकत्ता - 700016

यह अधिसूचना दिनांक 1-4-95 से 31-3-98 तक की
शी अवधि के लिए प्रभावी है।

टिप्पणी 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू
नहीं होगा।

2 संगठन को सुझाव दिया जाता है कि वे अनुमोदन
की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर
निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है
के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता
को तीन प्रतियों में आवेदन करें, अनुमोदन की
अवधि बढ़ाने के संबंध में किए आवेदन पत्र की
छुट प्रतियों विभाग को प्रस्तुत करनी है।

[संख्या 1391 (एक सं. म.नि/आ.क. (छूट)/उद्ध्योग-17/
35 (1)(ii)/89)]

आर. सिंह, उप निदेशक

Calcutta, the 31st May, 1995

INCOME TAX

S.O. 2393.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 on the Income Tax Act, 1961 under the category "Association" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; &
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

Tea Research Association, 113, Park Street, Calcutta-700016.

This Notification is effective for the period from 1-4-95 to 31-3-98.

Notes : (1) Condition (1) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1391 (F. No. DG/IT(E)/WB-17/35(1)(ii)/89]

R. SINGH, Dy. Director

कलकत्ता, 31 मई, 1995

आयकर

का. ना. 2394.—सर्वसाधारण को इनद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खुए (ii) के लिए आयकर नियम के नियम 6 के अन्तर्गत विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के तंत्रं के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा ब्रह्मण्ड रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वायिक निवारण प्रन्थेक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व अौद्योगिक अनुसंधान विभाग, प्रोद्योगिकी भवन, "न्यू महरौली रोड, नई शिल्पी-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परी-जित वैज्ञानिक तथा अौद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके अधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम 1961 की धारा 35 (1) में दी गई 1रसवं किया गया संबंधित छूट के बारे में लेखा-परी-जित आय-व्याप हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

दि. गुजरात रिसर्च एण्ड मेडिकल इस्टीच्यूट, कैम्प रोड, शाह द्वारा, ग्रहमदाबाद - 380004

यह अधिभूतना दिनांक 1-4-95 से 31-3-98 तक की अवधि के लिए प्रभावी है।

टिप्पणी :

1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।
2. संगठन को सूचाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके अधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट) कलकत्ता को तीन प्रतियों में शावेदार करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए अविवेदन पत्र को छः प्रतियों विभाग को प्रस्तुत करनी है।

[संख्या : 1392 (एक सं. भ नि/आ क(छूट)/जि-51/35(1)(ii)/91]

आर. सिंह, उप निवेशक

Calcutta, the 31st May, 1995

INCOME TAX

S.O. 2394.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purpose of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; &
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION :

The Gujarat Research & Medical Institute, Camp Road, Shahibaug, Ahmedabad-380 004.

This Notification is effective for the period from 1-4-95 to 31-3-98.

Notes : (1) Condition (1) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1392 (F. No. DG/IT(E)/G-51/35(I)(ii)/91]

R. SINGH, Dy. Director

फलकता, 31 मई, 1995

आधारक्र

का. आ. 2395—संवर्धाण को प्रतिक्रिया किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के बांड (ii) के लिए आयकर नियम के नियम 6 के अन्वेषण विहित प्राधिकारी द्वारा निम्नलिखित रूपों पर “मन्दान” के संबंध के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा वहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक संवित, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, ब्रोडीगिकी भवन न्यू महर्गांवी गोड, नई फिल्ड-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके लेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम 1961 की धारा 35 (i) में दी गई रिसर्च किया गया गवर्धित छूट के बारे में लेखा—परीक्षित आप-यथ हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

डॉक्टर ग्राफ कार्डियोलोजी एंड रिसर्च सेन्टर,
न्यू सिविल हीस्पीटल, अहमदाबाद - 380016

यह अनुमोदना दिनाक 1-4-95 से 31-3-98 तक ही
भवधि के लिए प्रभावी है।

ट्रायल :

1. उपर्युक्त शब्द (i) “संव” जैसा संबंध के लिए लागू
नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर महानिदेशक (छूट) जिनके लेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट) उनकता को नीति वित्तीय संबंध में अविवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन वक्त की छः प्रतिवाविभाग को प्रस्तुत करनी है।

[संख्या : 1393 (प्रक. स म नि/आ क(छूट)/जि-63/35
(1) (ii)/93]

आर. सिंह, डीप निदेशक

Calcutta, the 31st May, 1995

INCOME TAX

S.O. 2395.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purpose of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category “Institution” subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, “Technology Bhawan”, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION :

Institute of Cardiology & Research Centre, New Civil Hospital Ahmedabad 380 016.

This Notification is effective for the period from 1-4-92 to 31-3-98.

Notes : (1) Condition (1) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1393 (F. No. DG/IT(E)/G-63/35(1)(ii)/93)]

R. SINGH, Dy. Director

कलकत्ता, 31 मई, 1995

आधिकार

का. आ. 2396:—सर्वसाधारण को प्रतिकार सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपाधारा (1) के अन्दर (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित गति पर “संघ” के संवर्ग के अधीन अनुमोदित किया गया है:—

- (1) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सन्ति, वैज्ञानिक व श्रीदौषिगिक अनुसंधान विभाग, प्रोटो-गिकी भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छटा), (ख) सचिव वैज्ञानिक तथा श्रीदौषिगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छटा) जिनके श्रेवाधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया संवंशित छट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

सेन्टर फॉर लिक्रीड क्रायस्टल रिसर्च,
पोस्ट ब्रॉक्स नं. 1329,
जलाहल्ली, बंगलोर—560013

यह अधिसूचना दिनांक 1-4-95 से 31-3-98 तक की अवधि के लिए प्रभावी है।

टिप्पणी:—1. उपर्युक्त शर्त (1) “संघ” जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को युझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर महानिदेशक (छटा) जिनके श्रेवाधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छटा), कलकत्ता की तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए गये आवेदन-पत्र की छ. प्रतियां विभाग को प्रस्तुत करता है।

[संस्था. 1394/एफ सं. म. नि./आ. क. (छटा)/के. टि.-44/35(i) (ii)/ 93]

आर. सिंह, उपनिदेशक,

Calcutta, the 31st May, 1995

INCOME TAX

S.O. 2396.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purpose of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category “Association” subject to the following conditions:—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhawan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

Centre for Liquid Crystal Research, Post Box No. 1329, Jalahalli, Bangalore-560 012.

This Notification is effective for the period from 1-4-95 to 31-3-98.

Notes: (1) Condition (1) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1394/F. No. DG/IT(E)/KT-44/35(1)(ii)/93]

R. SINGH, Dy. Director

कलकत्ता, 5 जून, 1995

आयकर

का. आ. 2397:—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपाधारा (1) के अन्दर (iii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संस्थान” के संवर्ग के अधीन अनुमोदित किया है:—

- (1) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सन्ति, वैज्ञानिक व श्रीदौषिगिक अनुसंधान विभाग, प्रोटो-गिकी भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति : (क) आयकर महानिदेशक (छूट), (ख) वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके भेत्राधिकार में उक्त संगठन पड़ता है और आयकर प्रधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च कार्यों संबंधित छूट के बारे में वैज्ञानिक आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

विड्ला इकोनॉमिक रिसर्च फाउंडेशन,
9/1, आर.एन. मुखर्जी रोड,
कलकत्ता—700001

यह अधिसूचना दिनांक 1-4-95 से 31-3-98 तक की अवधि के लिए प्रभावी है।

टिप्पणी :—1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके भेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की छः प्रतियां सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[मंज्या : 1395 (एफ. स. म. नि./आ. क. (छूट)/इल्यू
नो.—8/35 (1) (iii) / 89]

आर. सिंह, उप निदेशक,

Calcutta, the 5th June, 1995

INCOME TAX

S.O. 2397.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (iii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :—

- The organisation will maintain separate books of accounts for its research activities ;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION :

Birla Economic Research Foundation, 9/1, R. N. Mukherjee Road, Calcutta-700 001.

This notification is effective for the period from 1-4-95 to 31-3-98.

Notes : (1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1395/F. No. DG IT(E)/WB-8/35(1)(iii)/89]

R. SINGH, Dy. Director

कलकत्ता, 16 जून, 1995

आयकर

का.आ. 2398.—मर्वेसाधारण को एनद्डारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

- संगठन अनुसंधान कार्यों के लिए ग्रन्त लेखा विहित रखेगा।
- यह अपने वैज्ञानिक "अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू मेराली रोड, नई दिल्ली-110016 को भेजेगा, और
- यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके भेत्राधिकार में उक्त संगठन पड़ता है आयकर प्रधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च कार्यों संबंधित छूट के बाद में जो लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

दि. विड्ला इंस्टीचूट आ॰ू नायन्टीफिक रिसर्च, 78, सर्हिद अमिर अली एवेन्यू, कलकत्ता-700019

यह अधिसूचना दिनांक 1-4-95 से 31-3-98 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुमाव दिया जाता है कि वे अनु-मोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छट) जिनके थेवाधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छट), कलकत्ता को नीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की छ: प्रतियां सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 1396/एक. स. म.नि./ प्रा.क. (छट)/इन्यू-वि-11/35(1) (ii)/89]

आर. सिंह, उप निदेशक आयकर

Calcutta, the 16th June, 1995

INCOME TAX

S.O. 2398.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purpose of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mebrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION :

The Birla Institute of Scientific Research, 78, Syed Amir Ali Avenue, Calcutta-700 019.

This Notification is effective for the period from 1-4-95 to 31-3-98.

Notes : (1) Condition (1) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1396/F. No. DG/IT(E)/WB-11/35(1)(ii)/89]

R. SINGH, Dy. Director

कलकत्ता, 16 जून, 1995

आयकर

का. आ. 2399.—सर्वसाधारण को एन्ड्रारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उन्धरा (1) के वंश (ii) के लिए आयकर नियम के नियम 6 के अधीन विभिन्न प्राधिकारी द्वारा निम्नलिखित शर्तों पर "मंथान" के मंत्र से प्रशीन अनुमोदित किया गया है :—

(1) संगठन अनुसंधान कार्यों के लिए अलग लेखा बाह्यां न्यैगा।

(2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सन्निवेश, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू मेहरोली रोड, नई दिल्ली-1100 16 को भेजगा, और

(3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू मेहरोली रोड, नई दिल्ली-1100 16 को भेजगा, और

(4) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छट) जिनके थेवाधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई सिर्वं कार्यों संबंधित छट के बाद से लेखा-परीक्षित आयकर हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

मंथान मेडिकल सिर्वं सोसायटी, एक्सटेंशन एग्जिया, मिराज-416410, महाराष्ट्र

यह अधिसूचना दिनांक 1-4-95 से 31-3-98 तक की अधिकारी के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "मंथ" जैमा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुमाव दिया जाता है यह वे अनु-मोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छट) जिनके थेवाधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छट), कलकत्ता को नीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की छ: प्रतियां ननिवेश, वैज्ञानिक व औद्योगिक अनुसंधान की विभाग को प्रस्तुत करना है।

[संख्या : 1397 /एक. स. म.नि./प्रा.क. (छट)/एम-44/35 (1)(ii)/89]

आर. सिंह, उप निदेशक आयकर

Calcutta, the 16th June, 1995

INCOME TAX

S.O. 2399.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purpose of clause (ii) of sub-section (1) of section 35 on the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION :

Sandhata Medical Research Society, Extension Area, Mira-416 410 Maharashtra.

This Notification is effective for the period from 1-4-95 to 31-3-98.

Notes : (1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1397/F. No. DG/IT(E)/M-44/35(1)(ii)/891
R. SINGH, Dy. Director

कलकत्ता, 16 जून, 1995

आयकर

का. आ. 2400.—सर्वसाधारण को एतत्थारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए प्रलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वाष्पिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग प्रोचारणीक भवन, न्यू महरोली-रोड, नई दिल्ली - 110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-अय्य विसाय को भी प्रस्तुत करेगा।

संगठन का नाम

मराठे रिसर्च फार्मांडेशन, नंदन एनक्सेव,
श्री गोविन्दराव जी मराठे रोड,
मिराज-426410 (एम. एम.) गंगली

यह अधिसूचना दिनांक 1-4-95 से 31-3-98 तक की अवधि के लिए प्रभावी है।

टिप्पणी :—

1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।
2. संगठन को सुशाश्व दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कानकता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र की विभाग को प्रस्तुत करना है।

[संख्या 1398 (एफ. सं. मनि/प्रा. क(छूट)/एम-81/35 (1)(ii)/90]

प्रार. सिंह, उप निदेशक

Calcutta, the 16th June, 1995

INCOME TAX

S.O. 2400.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purpose of clause (ii) of sub-section (1) of section 35 on the Income Tax Act, 1961 under the category "Association" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION :

Marathe Research Foundation, 'Nandan Enclave, Shri Govindraoji Marathe Road, Miraj-426 410 (M. S.), Sangli.

This Notification is effective for the period from 1-4-95 to 31-3-98.

Notes : (1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1398/F. No. DG/IT(E)/M-81/35(1)(ii)/90]

R. SINGH, Dy. Director

कलकत्ता, 16 जून, 1995

आयकर

का.आ. 2401-संबंधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उधारा (1) के खण्ड (ii) के लिये आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित मात्रों पर "संघ" के संवर्ग के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिये अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व शैक्षणिक अनुसंधान विभाग, प्रौद्योगिकी भवन न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा शैक्षणिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-अय्य हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

इण्डियन एसोसियेशन फार वा कलटीवेशन आफ सायन्स, यादवपुर, कलकत्ता-700032

यह अधिसूचना विनाक 1-4-95 से 31-3-98 तक की अधिकृति के लिये प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिये लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिये आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियां में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किये आवेदन-पत्र विभाग को प्रस्तुत करना है।

[संख्या 1399/एफ सं. म.नि./आ.क. (छूट)/
डब्ल्यू-बी-30/35(1)(ii)/90]

आर. सिंह, उप निदेशक

Calcutta, the 16th June, 1995

INCOME TAX

S.O. 2401.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 on the Income Tax Act, 1961 under the category "Association" subject to the following conditions :—

- The organisation will maintain separate books of accounts for its research activities;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; &
- It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION :

Indian Association for the Cultivation of Science, Jadavpur, Calcutta-700 032.

This Notification is effective for the period from 1-4-95 to 31-3-98.

Notes : (1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1399/F. No. DG/IT(E)/WB-30/35(1)(ii)/90]

R. SINGH, Dy. Director

কলকাতা, 27 জুন, 1995

Calcutta, the 27th June, 1995

ଆযକର

କା.ଆ. 2402.——ମର୍ବସାଧାରଣ କୋ ଏତଦ୍ଵାରା ସୂଚିତ କିଯା ଜାତା ହେ କି ନିମ୍ନଲିଖିତ ସଂଗଠନ କୋ, ଆୟକର ଅଧିନ୍ୟମ, 1961 କୀ ଧାରା 35 କୀ ଉପଧାରା (i) କେ ଖଣ୍ଡ (ii) କେ ଲାଇ ଆୟକର ନିୟମ କେ ନିୟମ 6 କେ ଅଧୀନ ବିହିତ ପ୍ରାଧିକାରୀ ଦ୍ୱାରା ନିମ୍ନଲିଖିତ ଶର୍ତ୍ତୀ ପର "ସଂଘ" କେ ସଂବନ୍ଧ କେ ଅଧୀନ ଅନୁମୋଦିତ କିଯା ଗଯା ହେ :—

(1) ସଂଗଠନ ଅନୁସଂଧାନ କାର୍ଯ୍ୟକେ ନିଷ ଅଲଗ ଲେଖା ବହିୟା ରଖେଗା ।

(2) ଯହ ଅପନେ ବୈଜ୍ଞାନିକ ଅନୁସଂଧାନ ସଂବନ୍ଧ କାର୍ଯ୍ୟ କା ଏକ ବାର୍ଷିକ ବିବରଣ ପ୍ରତ୍ୟେକ ବିତ୍ତୀୟ ବର୍ଷ କେ ଲାଇ ପ୍ରତ୍ୟେକ ବର୍ଷ କେ 31 ମର୍ଦ୍ଦ ତକ ମର୍ଚିବ, ବୈଜ୍ଞାନିକ ବୈଜ୍ଞାନିକ ଅନୁସଂଧାନ ବିଭାଗ, ପ୍ରୌଦ୍ୟୋଗିକୀ ଭବନ "ନ୍ୟୁ ମେହରାର୍ମୀ ରୋଡ୍, ନର୍ଦ୍ଦିଲ୍ଲୀ-110016 କୋ ଭେଜେଗା, ଆଂର୍ମୀ ।

(3) ଯହ ପ୍ରତ୍ୟେକ ବର୍ଷ କେ 31 ଅକ୍ଟୋବର ତକ ଲେଖା——ପରୀକ୍ଷାତ ବାର୍ଷିକ ଲେଖା କାଂ ପ୍ରତି (କ) ଆୟକର ମହାନିଦେଶକ (ଛୂଟ), (ଖ) ସଚିବ ବୈଜ୍ଞାନିକ ତଥା ପ୍ରୌଦ୍ୟୋଗିକ ଅନୁସଂଧାନ ବିଭାଗ ଆଂର୍ମୀ (ଗ) ଆୟକର ଆୟୁକ୍ତ/ଆୟକର ମହାନିଦେଶକ (ଛୂଟ) ଜିନକେ କ୍ଷେତ୍ରାଧିକାର ମେ ଉକ୍ତ ସଂଗଠନ ପଡ଼ିତା ହେ ଆଂର୍ମୀ ଆୟକର ଅଧିନ୍ୟମ, 1961 କୀ ଧାରା 35(1) ମେ ଦୀ ଗର୍ଥ ରିସର୍ଚ କିଯା ଗଯା ସଂବନ୍ଧିତ ଛୂଟ କେ ବାଦ ମେ ଜୋ ଲେଖା——ପରୀକ୍ଷାତ ଆୟ-ବ୍ୟୟ ହିସାବ କୋ ଭୀ ପ୍ରସ୍ତୁତ କରେଗା ।

ସଂଗଠନ କା ନାମ

ଶ୍ରୀ ଏ. ଏସ. ଏସ. ମୁରୁଗାପା ଚେତ୍ତିଯର ରିସର୍ଚ ସେନ୍ଟର, ତିଯାମ ହାଉସ, 28, ରାଜାଜୀ ସଲାଯ, ମଦ୍ରାସ-600001 ।

ଯହ ଅଧିସୂଚନା ଦିନାଂକ 1-4-95 ସେ 31-3-95 ତକ କୀ ଅବଧି କେ ଲାଇ ପ୍ରଭାବୀ ହେ ।

ଟିପ୍ପଣୀ 1. ଉପର୍ଯୁକ୍ତ ଶର୍ତ୍ତୀ (1) "ସଂଘ" ଜେତା ସଂବନ୍ଧ କେ ଲାଇ ଆଗୁ ନହିଁ ହେବା ।

2. ସଂଗଠନ କୋ ମୁଦ୍ରାବ ଦିଯା ଜାତା ହେ କି କେ ଅନୁମୋଦନ କୀ ଅବଧି ବଢାନେ କେ ଲାଇ ଆୟକର ଆୟୁକ୍ତ/ଆୟକର ନିଦେଶକ (ଛୂଟ) ଜିନକେ କ୍ଷେତ୍ରାଧିକାର ମେ ସଂଗଠନ ପଡ଼ିତା ହେ କେ ମାଧ୍ୟମ ମେ ଆୟକର ମହାନିଦେଶକ (ଛୂଟ), କଲକତା କୋ ତୀନ ପ୍ରତିଯୋମି ମେ ଆବେଦନ କରେ, ଅନୁମୋଦନ କୋ ଅବଧି ବଢାନ କେ ସଂବନ୍ଧ ମେ କିଏ ଆବେଦନ-ପତ୍ର କୀ ପ୍ରତି ବିଭାଗ କୋ ପ୍ରସ୍ତୁତ କରନା ହେ ।

[ସଂଖ୍ୟା 1400 (ଏଫ. ସେ. ମ.ଫି.ଆ.କ. (ଛୂଟ)/ଟୀ. ଏନ. 4/35 (ii)/ସ୍ରୀ) ।

ଆର. ସିହ, ଉପ ନିଦେଶକ

INCOME TAX

S.O. 2402.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purpose of clause (ii) of sub-section (1) of section 35 on the Income Tax Act, 1961 under the category "Association" subject to the following conditions :—

- The organisation will maintain separate books of accounts for its research activities;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehruli Road, New Delhi-110016 for every financial year by 31st May of each year; &
- It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION :

Shri A.M.M. Murugappa Chettiar Research Centre, Tiam House, 28, Rajaji Salai, Madras-600 001.

This Notification is effective for the period from 1-4-95 to 31-3-98.

Notes : (1) Condition (i) above will not apply to organisation categorised as associations

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1400/F. No. DG/IT(E)/Cal/TN-4/35(1)(ii)/89]

R. SINGH, Dy. Director

କଲକତା, 27 ଜୁନ, 1995

ଆୟକର

କା.ଆ. 2403.—ମର୍ବସାଧାରଣ କୋ ଏତଦ୍ଵାରା ସୂଚିତ କିଯା ଜାତା ହେ କି ନିମ୍ନଲିଖିତ ସଂଗଠନ କୋ, ଆୟକର ଅଧିନ୍ୟମ 1961 କୀ ଧାରା 35 କୀ ଉପଧାରା (i) କେ ଖଣ୍ଡ (ii) କେ ଲାଇ ଆୟକର ନିୟମ କେ ନିୟମ 6 କେ ଅଧୀନ ବିହିତ ପ୍ରାଧିକାରୀ ଦ୍ୱାରା ନିମ୍ନଲିଖିତ ଶର୍ତ୍ତୀ ପର "ସଂସ୍ଥାନ" କେ ସଂବନ୍ଧ କେ ଅଧୀନ ଅନୁମୋଦିତ କିଯା ଗଯା ହେ :—

(1) ସଂଗଠନ ଅନୁସଂଧାନ କାର୍ଯ୍ୟକେ ନିଏ ଅଲଗ ଲେଖା ବହିୟା ରଖେଗା ।

(2) ଯହ ଅପନେ ବୈଜ୍ଞାନିକ ଅନୁସଂଧାନ ସଂବନ୍ଧ କାର୍ଯ୍ୟକେ ଏକ ବାର୍ଷିକ ବିବରଣ ପ୍ରତ୍ୟେକ ବିତ୍ତୀୟ ବର୍ଷ କେ ପିଏ ପ୍ରତ୍ୟେକ ବର୍ଷ କେ 31 ମର୍ଦ୍ଦ ତକ ମର୍ଚିବ, ବୈଜ୍ଞାନିକ ବୈଜ୍ଞାନିକ ଅନୁସଂଧାନ ବିଭାଗ, ପ୍ରୌଦ୍ୟୋଗିକୀ ଭବନ "ନ୍ୟୁ ମେହରାର୍ମୀ ରୋଡ୍, ନର୍ଦ୍ଦିଲ୍ଲୀ-110016 କୋ ଭେଜେଗା, ଆଂର୍ମୀ ।

(3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षीत वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) साधिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षीत आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम
दि.इंस्टीट्यूट ऑफ इंजिनियर फाउंड्रीमेन,
मिडलटन कोर्ट, 1ला माला,
4/2, मिडलटन स्ट्रीट, कलकत्ता-700071

यह अधिसूचना दिनांक 1-4-95 से 31-3-98 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र को विभाग को प्रस्तुत करना है।

[संख्या : 1401 (एफ. सं. म.नि./आ.क. (छूट)/
डब्ल्यू. वि.-9/35(1)(ii)/89]
आर. सिंह, उप निदेशक

Calcutta, the 27th June, 1995

INCOME TAX

S.O. 2403.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purpose of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :—

- The organisation will maintain separate books of accounts for its research activities;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mohrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of the Income Tax Act, 1961.

NAME OF THE ORGANISATION :

The Institute of Indian Foundrymen, Middleton Court, 1st Floor, 4/2, Middleton Street, Calcutta-700 071.

This Notification is effective for the period from 1-4-95 to 31-3-98.

Notes : (1) Condition (i) above will not apply to organisation categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1401/F. No. DG/IT(E)/Cal|WB-91|35(1)(ii)|89]

R. SINGH, Dy. Director

कलकत्ता, 27 जून, 1995

आयकर

का. आ. 2404—संघेसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुगोदित किया गया है :—

- संगठन अनुसंधान कार्यों के लिए अलग लेखा बहिरांग रखेगा। ।
- यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक विस्तीर्ण वर्ष के लिए प्रत्येक वर्ष के 31 मई तक संचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन, "न्यू मेहराली रोड," नई दिल्ली-110016 को भेजेगा, और
- यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षीत वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) साधिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षीत आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

रामकृष्ण मिशन सेवा प्रनिधान
विवेकानन्द, इंस्टीच्यूट ऑफ मेडिकल सायंसेस,
99, मरत बोस रोड
कलकत्ता-700026

यह अधिसूचना दिनांक 1-4-95 से 31-8-98 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुधार किया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र को विभाग को प्रस्तुत करना है।

[संख्या : 1402 (एफ सं. म. नि./आ. क. (छूट)/डब्ल्यू. बी.-6/35 (1) (ii)/89]

आर० सिंह, उपनिदेशक

INCOME-TAX

Calcutta, the 27th June, 1995

S.O. 2404.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purpose of clause (ii) of sub-section (1) of "Institution" subject to the following conditions :

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehruli Road, New Delhi-110016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited income and expenditure account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of the Income-tax Act, 1961.

NAME OF THE ORGANISATION

Ramkrishna Mission Seva Pratisthan,
Vivekananda Institute of Medical Sciences,
99, Sarat Bose Road,
Calcutta-700026.

This Notification is effective for the period from 1-4-95 to 31-3-98.

NOTES : 1.—Condition (i) above will not apply to organisation categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1402/F, No. DG/IT(E)/Cal[WB-6]35(1)(ii)/89]

R. SINGH, Dy. Director

आयकर

कलकत्ता, 29 जून, 1995

का. आ. 2405.—सर्वसंधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के बाण्ड (ii) के लिए आयकर नियम के तियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संवर्ग के अधीन अनुमोदित किया गया है :—

(1) संगठन अनुसंधान कार्यों के लिए अनुग लेखा बहियां रखेगा।

(2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक समिक्षा, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन न्यू मेहरोली रोड, नई दिल्ली—110016 को भेजेगा, और

(3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) संचिप, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/प्रबक्त महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेजारीक्षित ग्राह-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

एसोसियेटेड इलेक्ट्रोनिक्स रिसर्च फाउंडेशन,
5 ए/1, 2 एण्ड 3, अन्तारी रोड, दरिया गंज,
नई दिल्ली-110002

यह अधिसूचना दिनांक 1-4-95 से 31-3-98 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुधार किया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है वे माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र को विभाग को प्रस्तुत करना है।

[संख्या : 1403 (एफ सं. म. नि./आ. क. (छूट)/एन. डी.-2/35 (i) (ii)/89]

आर० सिंह, उपनिदेशक

INCOME-TAX

Calcutta, the 29th June, 1995

S.O. 2405.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purpose of clause (ii) for sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- The organisation will maintain separate books of accounts for its research activities;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;
- It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year a copy of its audited Annual Accounts and also a copy of audited income and expenditure account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of the Income-tax Act, 1961.

NAME OF THE ORGANISATION

Associated Electronics Research Foundation,
5A/1, 2 & 3, Ansari Road, Parva Ganj, New Delhi-110002.

This Notification is effective for the period from 1-4-95 to 31-3-98.

NOTE : 1.—Condition (i) above will not apply to organisation categorised as associations.

- The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1403/F. No. DG/IT(E)/ND-2/35(1)(ii)]

R. SINGH, Dv. Director

आयकर

कलकत्ता, 30 जून, 1995

का.आ. 2406.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अंडे (iii) के लिए आयकर नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित गतीय पर "संघर्ष" के संबंध के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अवगत लेखा बहिर्भूत रखेगा।

(ii) यह आगे वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वाष्णविक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के

31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मेहराली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 मार्च वर्तमान तथा वैज्ञानिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके धोताधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आप्रवृप्ति विभाव को भी प्रस्तुत करेगा।

संगठन का नाम

कृष्णमूर्ति फाउंडेशन इण्डिया,
54, ग्रीनबेर्ग रोड, मुम्बई-600023

गह अधिसूचना दिनांक 1-4-1995 से 31-3-1998 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त गतीय (1) "संघर्ष" जैसा भवित्व के लिए लागू नहीं होगा।

- संगठन को मुशायद दिया जाता है कि वे अनुमोदित की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके धोताधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदित की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है।

[संख्या : 1404/एफ.म.म.नि./प्रा.क. (छूट)/टी.एन.-7/
35(iii)/89]

आर. सिंह, उप निदेशक

INCOME-TAX

Calcutta, the 30th June, 1995

S.O. 2406.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules for the purpose of clause (iii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :

- The organisation will maintain separate books of accounts for its research activities;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organi-

sation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited income and expenditure account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of the Income-tax Act, 1961.

NAME OF THE ORGANISATION

Krishnamurti Foundation India,
54, Greenways Road,
Madras-600023.

This Notification is effective for the period from 1-4-95 to 31-3-98.

Notes : 1.—Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1404/F. No. DG/ITE/TN-7/35(1)(ii)]
R. SINGH, Dy. Director

आयकर

करकाना, 30 जून, 1995

का.आ. 2407.—सर्वसाधारण को पत्रदातार सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिए आयकर नियम 6 के अधीन विहित प्राप्तिकारी द्वारा निम्नलिखित शर्तों पर “संस्थान” के संबंध के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अन्य लेखा बहिरां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वासिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, “प्रौद्योगिकी भवन” न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वासिक लेखा की प्रति (क) आयकर महानिदेशक (छठ), (ख) सभिय वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छठ) जिनके अधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिमर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

इंडियन नेशनल थिएटर,
बम्बई म्यूचुअल चेम्बर, 22 गाला,
19/21, अम्बालाई दोपी मार्ग,
बम्बई-400023

यह अधिसूचना दिनांक 1-4-1995 से 31-3-1998 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) “संघ” जैसा संबंध के लिए लागू नहीं होगा।

2. संगठन को सुन्नाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर महानिदेशक (छठ) जिनके अधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छठ), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र को विभाग को प्रस्तुत करना है।

[संस्था : 1405/एफ. स. म.नि./आ.क. (छठ)/
एम. 50/35(i)(iii)/89]
आर. सिंह, उप निदेशक

INCOME-TAX

Calcutta, the 30th June, 1995

S.O. 2407.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules for the purpose of clause (iii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category “Institution” subject to the following conditions :

- The organisation will maintain separate books of accounts for its research activities;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, ‘Technology Bhawan’, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited income and expenditure account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of the Income-tax Act, 1961.

NAME OF THE ORGANISATION

Indian National Theatre,
Bombay Mutual Chamber, 2nd Floor,
19/21, Ambala Doshi Marg,
Bombay-400023.

This Notification is effective for the period from 1-4-95 to 31-3-98.

NOTES : 1.—Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-Tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1405/F. No. DG/FF(E)/M 50/35(1)(iii)/89]
R. SINGH, Dy. Director

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 17 अगस्त, 1995

का.आ. 2408.—चूंकि फा.सं. 801/11/94—पिट एन डी पी एस दिनांक 27-1-94 के अंतर्गत संयुक्त सचिव, भारत सरकार को स्वापक औषधि तथा मनःप्रभावी पदार्थ अधिनियम 1988 के खंड 3 के उपखंड (1) के अंतर्गत अवैध व्यापार को रोकने के लिए विशेष रूप से शक्ति प्राप्त है, निर्देश देते हैं कि श्री फिरोज खान पुत्र श्री पीरशेद खान को स्वापक औषधों के स्वामित्व अपूर्ति तथा अवधिरेत्रि तथा पारगमन में शामिल होने को रोकने के लिए नजरबंद किया जाए तथा जिला कारागार, कोटा (राज.) में हिरासत में रखा जाए।

2. जबकि केन्द्रीय सरकार यह समझती है कि उपर्युक्त व्यक्ति फरार होने अथवा अपने आपको छिपाने की चेष्टा करता है ताकि आदेश को कार्यान्वित न किया जा सके।

3. अतः अब उक्त अधिनियम के खंड 8 उपखंड (1) कलाज (ख) में विहित शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निर्देश देती है कि उपर्युक्त व्यक्ति इस आदेश के सरकारी गजट में प्रकाशित होने के 10 दिनों के भीतर उप स्वापक आयुक्त, कोटा (राज.) के सामने प्रस्तुत हो।

[फा.सं. 801/11/94—पिट एन डी पी एस]

बी.के. प्ररोहा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 17th August, 1995

S.O. 2408.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 issued order F. No. 801/11/94-PITNDPS dated 27-1-94 under the said sub-section directing that Shri Firoz Khan & Shri Pirshed Khan be detained and kept in custody in the District Jail, Kota (Rajasthan) with a view to preventing him from engaging in the possession, supply and obtaining in the concealment and transportation of narcotic drugs.

2. Whereas the Central Government has reason to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 8 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Deputy Narcotics Commissioner, Kota (Rajasthan) within 10 days of publication of this order in the Official Gazette.

[F. No. 801/11/94-PITNDPS]

B. K. ARORA, Under Sec

आदेश

नई दिल्ली, 25 अगस्त, 1995

का.आ. 2409.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा.सं. 673/55/95—सी.शु. ४ दिनांक 25-5-1995 को यह निर्देश जारी किया था कि श्री सुखदेव सिंह, उर्फ सुखा उर्फ काला सुपुत्र श्री मदन मोहन पता: मकान नं. 41-सी, न्यू प्रताप नगर, जी.टी. रोड, अमृतसर, पंजाब को निश्चित कर लिया जाए और केन्द्रीय कारागार जम्मू में अधिरक्षा में रखा जाए ताकि उसे माज की तस्करी करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिसने उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर झायरेक्टर जनरल पुलिस, जम्मू एवं काश्मीर के समन्वय हाजिर हो।

[फा.सं. 673/55/95-सी.शु.—8]

ए.के. सिन्हा, अवर सचिव

ORDER

New Delhi, the 25th August, 1995

S.O. 2409.—Whereas the Joint Secretary to the Government of India specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974), issued under F. No. 673/55/95-Cus.VIII dated 25-5-1995 under the said sub-section directing that Shri Sukhdev Singh@Sukha@Kala & Sh. Madan Mohan resident of H. No. 41-C, New Partap Nagar, G.T. Road, Amritsar (Punjab) be detained and kept in custody in the Central Prison Jammu with a view to preventing himself smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner/Director General of Police, Jammu & Kashmir within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/55/95-Cus-VIII]
A. K. SINHA, Under Secy.

आदेश

नई दिल्ली, 25 अगस्त, 1995

का.ग्रा. 2410.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और सरकारी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा.सं. 673/56/95—सी.ग्र. 8 दिनांक 25-5-1995 को यह निदेश जारी किया था कि श्री मेजर सिंह सुपुत्र श्री चरण सिंह, गोव जाथोले, पी.एस., बरिन्दा, जिला—अमृतसर, पंजाब को निरुद्ध कर लिया जाए और केन्द्रीय कारागार जम्मू में अभिरक्षा में रखा जाए ताकि उसे भाल की तस्करी करने से रोका जाए के।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिसे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के आसकीय राजपत्र में प्रकाशन के 7 दिन के भीतर डायरेक्टर जनरल पुलिस, जम्मू एवं काश्मीर के समक्ष हाजिर हो।

[फा.सं. 673/56/95—सी.ग्र.—8]
ए.के. सिन्हा, अवर सचिव

ORDER

New Delhi, the 25th August, 1995

S.O. 2410.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974), issued order F. No. 673/56/95-Cus. VIII dated 25-5-1995 under the said sub-section directing that Shri Major Singh S/o Shri Charan Singh Village Jathole, P. S. Ghrinda, Distt. Amritsar (Punjab), be detained and kept in custody in the Central Prison Jammu with

a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner/Director General of Police, Jammu & Kashmir within 7 days of the publication of this order in the official Gazette.

[F. No. 673/56/95-Cus. VIII]
A. K. SINHA, Under Secy.

आदेश

नई दिल्ली, 25 अगस्त, 1995

का.ग्रा. 2411.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा.सं. 673/57/95—सी.ग्र.-8 दिनांक 25-5-1995 को यह निदेश जारी किया था कि श्री जगवीर सिंह सुपुत्र श्री अमर सिंह पता—गोव मैनी, पी.एस. छेहिरेता, जिला अमृतसर (पंजाब) को निरुद्ध कर लिया जाए और केन्द्रीय कारागार जम्मू में अभिरक्षा में रखा जाए ताकि उसे भाल की तस्करी करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रखा है जिससे उक्त आदेश का निष्पादन नहीं हो सके।

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के आसकीय राजपत्र में प्रकाशन के 7 दिन के भीतर डायरेक्टर जनरल पुलिस जम्मू एवं काश्मीर के समक्ष हाजिर हो।

[फा.सं. 673/57/95—सी.ग्र.—8]
ए.के. सिन्हा, अवर सचिव

ORDER

New Delhi, the 25th August, 1995

S.O. 2411.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling

Activities Act, 1974 (52 of 1974) issued order F. No. 673/57/95-Cus. VIII dated 25-5-1995 under the said sub-section directing that Shri Jagbir Singh &/o Shri Amar Singh, village Bhaini, P. S. Chhehata, Distt. Amritsar (Punjab), be detained and kept in custody in the Central Prison Jammu with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner/ Director General of Police, Jammu & Kashmir within 7 days of the publication of this order in the official Gazette.

[F. No. 673/57/95-Cus. VIII]
A. K. SINHA, Under Secy.

आदेश

नई दिल्ली, 25 अगस्त, 1995

का. आ. 2412.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा. स. 673/58/95—सी. शु. -8 दिनांक 6-6-1995 को यह निर्देश जारी किया था कि श्री बशीर अहमद सन्धू उफे बशीरा सुपुत्र श्री गुलाब दीन, पता - गांव - लालोक, पी. एस. काना, जिला - लाहौर, पाकिस्तान को निरुद्ध कर लिया जाए और केन्द्रीय कारागार जम्मू में अभिरक्षा में रखा जाए ताकि उसे माल की तस्करी करने में रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः यदि केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर डायरेक्टर जनरल पुलिस, जम्मू एवं कश्मीर के समक्ष हाजिर हो।

[फा. सं. 673/58/95 - सी. शु. -8]
ए. के. सिन्हा, अवर सचिव

ORDER

New Delhi, the 25th August, 1995

S.O. 2412.—Whereas the Joint Secretary to the Government of India, specially empowered under

sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/58/95-Cus. VIII dated 6-6-1995 under the said sub-section directing that Shri Bashir Ahmed Sandhu & Basheera &/o Sh. Gulab Din resident of Village Lakhoke, P. S. Kana, Distt. Lahore, Pakistan, be detained and kept in custody in the Central Prison Jammu with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner/ Director General of Police, Jammu & Kashmir within 7 days of the publication of this order in the official Gazette.

[F. No. 673/58/95-Cus. VIII]
A. K. SINHA, Under Secy.

आदेश

नई दिल्ली, 25 अगस्त, 1995

का. आ. 2413.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा. सं. 673/59/95—सी. शु. - 8 दिनांक 6-6-1995 को यह निर्देश जारी किया था कि श्री मकबूल अहमद सुपुत्र गुलाबदीन पता गांव - नवानपिल, पी. एस. लैसर तहसील - सकारागढ़, पाकिस्तान को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, जम्मू में अभिरक्षा में रखा जाए ताकि उसे माल की तस्करी करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः यदि केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त/डायरेक्टर जनरल पुलिस जम्मू एवं कश्मीर के समक्ष हाजिर हो।

[फा. सं. 673/59/95 - सी. शु. -8]
ए. के. सिन्हा, अवर सचिव

ORDER

New Delhi, the 25th August, 1995

S.O. 2413.—Whereas the Joint Secretary to the Government of India, specially empowered under

sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/59/95-Cus. VIII dated 6-6-1995 under the said sub-section directing that Shri Maqbool Ahmed S/o Shri Gulab Din, resident of Village Nawapind, P. S. Laiser, Tehsil Sakargarh, Pakistan, be detained and kept in custody in the Central Prison Jammu with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner/ Director General of Police, Jammu & Kashmir within 7 days of the publication of this order in the official Gazette.

[F. No. 673/59/95-Cus. VIII]
A. K. SINHA, Under Secy.

आदेश

नई दिल्ली, 25 अगस्त, 1995

का. आ. 2414. भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी नियारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश का. सं. 673/60/95 – सी. शु. – 8 विनांक 6-6-1995 को यह निर्देश आरी किया था कि श्री मोहम्मद इकबाल सुपुत्र श्री बग्गू पता – शादरी, तहसील सकाराड़, पाकिस्तान को निश्चू कर लिया जाए और केन्द्रीय कारागार जम्मू में प्रशिरक्ता में रखा जाए ताकि उसे माल की तस्करी करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विवास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रखा है जिससे उक्त आदेश का निपादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर डायरेक्टर जनरल पुलिस, जम्मू एवं काश्मीर के समक्ष हाजिर हो।

[फा. सं. 673/60/95 – सी. शु. – 8]
ए. के. सिन्हा, अवर सचिव

ORDER

New Delhi, the 25th August, 1995

S.O. 2414.—Whereas the Joint Secretary to the Government of India, specially empowered under

sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/60/95-Cus. VIII dated 6-6-1995 under the said sub-section directing that Shri Mohammed Iqbal S/o Shri Baggu, Shadri Tehsil Sakargarh, Pakistan, be detained and kept in custody in the Central Prison Jammu with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner/ Director General of Police, Jammu & Kashmir within 7 days of the publication of this order in the official Gazette.

[F. No. 673/60/95-Cus. VIII]
A. K. SINHA, Under Secy.

आदेश

नई दिल्ली, 28 अगस्त, 1995

का. आ. 2415. भारत सरकार के भयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी नियारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश का. सं. 673/39/95 – सी. शु. – 8 विनांक 19-7-1995 को यह निर्देश जारी किया था कि श्री विनोद गोपल सुपुत्र श्री मदनलाल गोपल पता – पिकासो बिल्डिंग, प्रथम तल, इंदिरा नारायण ब्रास रोड, लिकिंग रोड, सांताकुज, वर्म्बर्ह को निश्चू कर लिया जाए और केन्द्रीय कारागार, नासिक में अभिरक्षा में रखा जाए ताकि उसे भविष्य में माल की तस्करी से रोका जा सके और तस्करित माल के परिवर्तन और नस्करित माल को रखने से भी रोका जा सके।

2. केन्द्रीय सरकार के पास यह विवास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रखा है जिससे उक्त आदेश का निपादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस भ्रायुक्त, वर्म्बर्ह के समक्ष हाजिर हों।

[फा. सं. 673/39/95 – सी. शु. – 8]
ए. के. सिन्हा, अवर सचिव

ORDER

New Delhi, the 28th August, 1995

S.O. 2415.—Whereas the Joint Secretary to the Government of India, specially empowered under

sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/39/95-Cus. VIII dated 19-7-1995 under the said sub-section directing that Shri Vinod Goel S/o Sh. Madan Lal Goel, R/o Picasso Building, 1st Floor, Indra Narayan Cross Road, Linking Road, Santacruz, Bombay, be detained and kept in custody in the Central Prison Nasik with a view to preventing him from smuggling goods and also preventing him from engaging in transporting and keeping smuggled goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner/ Director General of Police, Bombay within 7 days of the publication of this order in the official Gazette.

[F. No. 673/39/95-Cus. VIII]
A. K. SINHA, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 24 अगस्त, 1995

का०आ० 2416:—पेट्रोलियम और खनिज पाइप लाईन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की अधिसूचना का०आ०-3441 तारीख 24-11-1994 द्वारा भारत सरकार ने उस अधिसूचना से संबंध अनुसूची में दिनियिट भूमियों के अधिकार को पाईप लाईन विभाने के प्रयोजन के लिए अंजित करने का आनंद आगव घोषित किया था।

अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दें दी है।

तत्पश्चात् भारत सरकार ने उक्त रिपोर्ट पर विचार करने वे पश्चात् इस अधिसूचना में संलग्न अनुसूची में दिनियिट भूमियों के उपयोग का अधिकार अंजित करने का विविष्य किया है।

अतः अब अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एवं द्वारा अंजित करते हुए कि इस अधिसूचना से संक्षेप अनुसूची में दिनियिट उक्त भूमियों में उपयोग का अधिकार पाईप लाईन विभाने के प्रयोजन के लिए एवं द्वारा अंजित किया जाता है।

अतः इस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार, भारत सरकार में निहित होने के बजाय गैम अथवार्टी और इंडिया लिमिटेड ग्रामगढ़ में सभी वाधाओं से मुक्त रूप में घोषणा के प्रकाशन की तारीख से निहित होगा।

अनुसूची

थल-धरमतर गैस पाईप लाईन परियोजना

राज्य : महाराष्ट्र	जिला : रायगढ़	तहसील : अलिवाग	सूचीकरण		
			क्र०सं० गांव	सून० हिस्सा नं०	प्रेक्षकरण
1	2	3	4	5	6
1. मुतुडाल	मुडाल ग्राम सून० 8 के हृद से मुनवली ग्राम हृद तक (सून० 23 तक)		00	28	80
2. मुनवली	मुडाल ग्राम हृद सून० 22/6 से सोगांव हृद सून० 17/3 तक		00	52	70
3. सोगांव	मुनवली ग्राम हृद से (सोगांव सून० 54/1 तक) सोगांव सून० 20 नाले तक		01	24	60
4. परहूर	वाहिरोले ग्राम हृद रो (सून० 21) नलवडे ग्राम हृद तक (सून० 22 तक)		00	71	50
5. भिकराई	परहूर ग्राम हृद से (सून० 22/9) से परहूर ग्राम हृद तक (सून० 311)		00	47	60
6. नलवडे	परहूर हृद से (सून० 22) से भायमाला हृद तक (सून० 83/अ)		00	86	80

1	2	3	4	5	6
7.	भायमला	तलवडे ग्राम हड्डे से (संनं० 37) से कामाले ग्राम हड्डे तक (संनं० 7) तक	00	65	50
8.	कामाले	भायमला ग्राम हड्डे से (संनं० 142) से वाघोली ग्राम हड्डे तक (पी-61) संनं० 32 तक	00	66	60
9.	वाघोली	कामाले ग्राम हड्डे से (पी-61) संनं० 32 से कोपर अंग्रेज रास्ता तक संनं० 9 तक	00	70	30
10.	कोपर	वाघोली ग्राम हड्डे से (अंग्रेज रोड संनं० 40) से चरी ग्राम हड्डे (पी-68) तक	00	33	90
11.	चरी	कोपर ग्राम हड्डे से (गृनं० 68) से गटनं० 1 106 (पी-69A) तक	00	25	20

[सं० एल-14016/6/93—जो०पी०]

अर्धेन्दु सेन, निदेशक

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 24th August, 1995

S.O. 2416.—Whereas by notification of the Government of India in the Ministry of Petroleum No. S.O. 3441 dated 24-11-94 under sub section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline ;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right

of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULE
THAL-DHARMATAR GAS PIPELINE PROJECT

Village	Survey No	Hissa No.	Block No.	Area		
				H. Are.	C.Are	
1. Tudal			Border to Tudal village S.No. 8 to Munavali village border (S.No. 23)	00	28	80
2. Munavali			Border of Tudal village S.No. 22/6 to border of Sogon village up to S.No. 17/3.	00	52	70
3. Sogaon			From the border of Munavali village (From Sogaon S.No. 54/1) to Sogon S.No. 30 and up to Nala.	01	24	60
4. Parhur			From the border of Bahirole village (S.No. 21) up to border of Talavade village up to (S.No. 22)	00	71	50
5. Bhisrai			From the border of Parhur village (S.No. 22/1) upto Parhur village border (S.No. 31/1)	00	47	60
6. Talvade			From the border of Parhur village (From S.No. 22/4) to Bhaimala village border (S.No. 85/A)	00	86	80
7. Bhaimala			From the border of Talvade village (S.No. 37) upto Kamarle village border (S.No. 7) up to Nala.	00	65	50
8. Kamarle			From the border of Bhaimala village (S.No. 142) up to Wagholi village border (P-61) up to (S.No. 32)	00	66	60
9. Wagholi			From the border of Kamarle village (P-61) S.No. 32 up to Koper Approach Road up to S.No. 9	00	70	30
10. Koper			From the border of Wagholi village (From Approach Road S.No. 40) to the border of Chari village up to (P-68)	00	33	90
11. Chari			From the border of Koper village (Gut No. 68) up to Gut No. 106 up to (P-69A)	00	25	20

[No. L-14016/6/93-G.P.]
ARDHENDU SEN, Director

भ्रम मतालय
महिला, 11 अगस्त, 1995

का०आ० 2417:—ओर्डोरिंग विद्वाव अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार वैक ऑफ वडोदा के प्रबंधताव के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओर्डोरिंग विद्वाव में, केन्द्रीय सरकार और्डोरिंग अधिकरण, कानपुर के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार ने 11-8-95 को प्राप्त हआ था।

[संख्या ए-क-1 2012/41/91-आई०आर० (भा०-२)]
पी०जे० मार्फिल, डैस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 11th August, 1995

S.O. 2417.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 11-8-1995

[No. L-12012/41/91-IR (B-II)]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, PANDU NAGAR, DEOKI
PALACE ROAD, KANPUR

Industrial Dispute No. 98 of 1991

In the matter of dispute :

BETWEEN

General Secretary,

Bank of Baroda Staff Association,
U.P. 15/222-A Civil Lines Kanpur.

AND

Regional Manager,

Bank of Baroda,
Faizabad Region,
Faizabad.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/41/91-IR. (B) dated Nil has referred the following dispute for adjudication to this Tribunal—

Whether the Regional Manager, Bank of Baroda, Faizabad was justified in not giving full time post of Peon to Aslam S/o Abdul Hamid converting him from part time sweeper to full time peon in terms of circular No. CO : BR : 80/91 dated 17-6-88
If not, what relief the workman was entitled to ?

2. On 1st April, 1982, the Head Office of Opposite Party Bank of Baroda had issued following circular—

BANK OF BARODA
(HEAD OFFICE MANDVI BARODA)

Phone : 55045

Telex : 0175-204

Grams : RANSOM

No. CO : BR : 74/72

HEAD OFFICE

Baroda House

Mandvi

Baroda-390006

CIRCULAR TO ALL THE BRANCHES IN INDIA

Dear Sir,

Re : Conversion of persons holding the post of sweepers, farashes, chowkidars etc. as peons.

It has been directed by the Government that 25% of the vacancies accruing in the peons cadre should be reserved for being filled in by conversion from sweepers, farashes, chowkidars, etc. who have put in a minimum of 5 years of service even if they may not be possessing requisite qualifications but may possess elementary literacy and give proof of ability to read Hindi/English/Regional Language.

In view of the Government guidelines, we advise you to reserve 25% of the vacancies accruing in the peons cadre for the existing permanent full time sweepers, farashes, chowkidars etc. who have put in a minimum of 5 years of service. Although the criteria for recruitment as peon has to be relaxed for converting the farashes, sweepers, chowkidars, etc. as peon it is necessary that such employees do possess elementary literacy and give proof of ability to read Hindi/English/Regional Language.

To determine whether sweepers/farashes/chowkidars possess elementary literacy and have ability to read Hindi/English/Regional Language it would be necessary to test the same.

In view of the above, whenever recruitment of peons is to be made, 25% of vacancies should be reserved for full time permanent farashes, chowkidars, sweepers to be filled up as stated above.

Yours faithfully,

Sd/-

DEPUTY GENERAL MANAGER
(PERSONNEL)

The concerned workman Aslam was appointed as a Part Time Sweeper on 4-4-89 in the Ayodhya Branch in District Faizabad. In view of the above mentioned circular the concerned workman was entitled for absorption as whole time worker as he had completed five years of service. It appears that in pursuance of above mentioned circular the opposite party bank held a written test followed by interview in the year 1989 and 1990. As he was not found suitable he was not given a whole time job. Feeling aggrieved the concerned workman has raised the present industrial dispute through the Union.

3. In the written statement the concerned workman has taken exception to the manner in which test was held. It was alleged that according to circular holding of test was necessary to ascertain as to whether the employee possessed elementary literacy so as to read Hindi/English/Regional Language. It was nowhere provided that a written test followed by interview was to be taken. As the concerned workman was called for interview after the written test it will be deemed that he had passed the test as required by the above mentioned circular. The holding of interview was meaningless. In this way he was entitled for selection. The opposite party bank has erred in not doing so.

4. The opposite party bank has filed lengthy written statement. The substance of which is that the management was within their right to hold written test followed by interview in terms of above mentioned circular. As the concerned workman had failed to clear the test he was not selected.

5. The concerned workman has filed rejoinder in which nothing new has been said.

6. From the above recital of pleadings it will be clear that the answer to the reference rest on the interpretation of above mentioned circular, hence giving of evidence was hardly necessary. Still the concerned workman has filed his affidavit and has also been subjected to cross examination. In rebuttal there is affidavit of C Malolan.

7. Now the contention of the authorised representative of the concerned workman may be noticed. By referring to 1-4-82, he has submitted that this circular envisages holding of test to show that whether the concerned workman

had elementary knowledge to read Hindi/English/Regional Language. There was no need for interview. Once the concerned workman was called for interview it will be deemed that he had cleared the test as such he became eligible for whole time job. It appears that this circular has not been understood in proper prospective. The third para of this circular lays down that authorities are to test the ability of the candidate to ascertain as to whether he possess the elementary literacy so as to read Hindi/English/Regional Language. It does not mean that test is to be held. To test as to whether a certain person possess certain knowledge is different than holding of a test for ascertain the same. Further I find that in this circular no guideline have been given as to how the authority is to test the literacy of the candidate. In its absence in my opinion, the concerned authorities were perfectly within their rights to formulate the method for testing the literacy of the eligible candidate. In doing so if they have chosen to hold a written test followed by an interview, I think they have not committed any irregularity much less illegality. Had the authorities adopted different yardstick the matter would have been different. In other words if only the concerned workman was subjected to such procedure of holding test and other were not that would have been questionable. Hence, I overrule the contention of the authorised representative of the concerned workman regarding holding of manner of examination. Indeed the concerned workman has also in his cross examination admitted that he was called for test and interview by the management in terms of above mentioned circular. He did not know whether he had cleared it or not. On the other hand C Malolan Manager Personnel of the bank has specifically stated that the concerned workman had failed in the test.

8. In view of this I think that Regional Manager Bank of Baroda was justified in not giving the full time post of peon to the concerned workman. Hence the first part of this reference is answered in the affirmative and against the concerned workman. Consequently the concerned workman is entitled to no relief.

9. Reference is answered accordingly.

Dated : 2-8-1995.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 11 अगस्त, 1995

का०आ० 2418 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तराखण्ड बैंक के प्रबंधतांक के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय संग्राम औद्योगिक अधिकारण कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-8-95 को प्राप्त हुआ था।

[संख्या एन-12011/12/85/डी 4ए/आई०आर०यी-2]
कै०यी०यी० उणी, डैस्क अधिकारी

New Delhi, the 11th August, 1995

S.O. 2418.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Allahabad Bank and their workmen, which was received by the Central Government on 9-8-1995.

[No. L-12011/12/85-D.IV (A)/IR (B-II)]
K. V. B. UNNY, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 43 of 1986

PARTIES :

Employer in relation to the management of Allahabad Bank

AND

Their Workmen.

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer.

APPEARANCES :

On behalf of Management—Mr. P. K. Mukherjee, Advocate.

On behalf of Workmen—Mr. M. S. Dutta, Advocate.

STATE : West Bengal

INDUSTRY : Banking

AWARD

By Order No. L-12011/12/85-D.IV (A) dated 5-6-1986, the Central Government in exercise of its powers under Section 10(1)(d) and sub-section (2A) of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of United Industrial Bank Ltd., 17, R. N. Mukherjee Road, Calcutta-700001, in not granting the benefits of temporary service including annual increment to the workmen indicated in the Annexure is justified ? If not, to what relief are these workmen entitled ?”

ANNEXURE

List of Workmen :

1. Shri Manoj Kr. Saha
2. Rajat Kr. Ghosh
3. Swapan Kr. Dey
4. Pijush Kanti Baisya
5. Nikheleswar Banerjee
6. Jadunandan Mukherjee
7. Rathindranath Sengupta
8. Ranjit Bose
9. Mridul Chatterjee
10. Hari Prasad Kundu
11. Prosad Kr. Das
12. Ashoke Kr. Chatterjee.

Subsequently by order dated 11-7-1990, the words “United Industrial Bank Ltd.” are substituted by “Allahabad Bank” in the order of reference.

2. Both the parties were represented by their counsel. While the management is represented by Mr. P. K. Mukherjee Advocate, workmen were represented by Mr. M. S. Dutta, Advocate. On 18-4-1995 however Mr. Dutta had submitted before the Tribunal that he had no further instruction in the case and he would file a memo to that effect. Which memo has not yet been filed.

3. The workmen had filed their written statement and a rejoinder after the management filed its written statement. From the side of the workmen 10 witnesses were examined but none was examined on behalf of the management. Both the workmen and the management also filed documents which were exhibited.

4. On 21-12-1994, the learned counsel for the management had filed a petition stating that the subject matter of the reference had been compromised on all India basis and reference has become infructuous. On 14-3-1995, Mr. P. K. Mukherjee who appeared for the management stated that all the 12 employees mentioned in the schedule of reference have already received the benefits of the temporary service as well as the annual increments because of the settlement arrived at between the management and All India Allahabad Bank Employees's Coordination Committee. No one however appeared for the workmen on that day. A duly attested memorandum of settlement dated 13th

March 1993 between the management of Allahabad Bank and their workmen represented by All India Allahabad Bank Employees' Coordination Committee was filed before the Tribunal alongwith a petition from the side of the management stating therein that the claims of the concerned workmen have been settled by the aforesaid settlement with a request that an Award be passed in terms of the settlement. This prayer was not opposed from the side of the workmen by their counsel Mr. Dutta who had the full authority to represent the case of the workmen on that date.

5. In view of what is stated above, I dispose of the reference in terms of the settlement, which forms part of the Award.

The reference is accordingly disposed of.

Dated. Calcutta,

The 11th July, 1995.

K. C. JAGADEB ROY, Presiding Officer

MEMORANDUM OF SETTLEMENT DATED THE 13TH MARCH, 1993 BETWEEN THE MANAGEMENT OF ALLAHABAD BANK AND THEIR WORKMEN REPRESENTED BY ALL INDIA ALLAHABAD BANK EMPLOYEES CO-ORDINATION COMMITTEE, IN THE MATTER OF PREDATING OF APPOINTMENT OF EMPLOYEES

[Under Section 2(p) and 18(1) of the Industrial Disputes Act, 1947 read with Rule 58 of the Industrial Disputes

(Central) Rules, 1957]

Name of the parties

Allahabad Bank and Workmen employed in the Allahabad Bank represented by the All India Allahabad Bank Employees Co-ordination Committee.

Representing Allahabad Bank :

1. Shri U. S. Ghose
General Manager (PA)
2. Shri C. V. Venkatraman
Dy. General Manager (PA)
3. Shri D. K. Paul
Chief Manager (IR)
4. Shri S. K. Das
Dy. Manager (Personnel)

Representing Workmen :

1. Shri Dhananjay Tewari
President, AIABECC
2. Shri Sudesh Kumar
Vice President, AIABECC
3. Shri Suresh Chand Sharma
General Secretary, AIABECC
4. Shri Niranjan Mishra
Asst. General Secretary, AIABECC.

Short Recital

Whereas both the parties discussed the matter in regard to predating of appointment of eligible employees who have worked for a continuous period against temporary vacancies with intermittent break and arrived at understandings/settlements dated 4-3-1978, 21-3-1979 and predated the appointment of the permanent members of the Award Staff in eligible cases who worked for the period 1-11-1966 and 31-12-1978 against temporary vacancies with intermittent breaks ignoring the breaks in service not exceeding fifteen days at a time, on certain other terms and conditions.

And whereas the said Union as well as employees are representing for giving another chance to those who could not avail the benefit of earlier settlements/understandings,

the Management reviewed the matter as a very special case and have decided to consider the cases on the following terms and conditions.

Accordingly, both the parties have arrived at a settlement in full and final settlement of all the disputes in the matter without creating any precedence, which is recorded hereunder.

The parties agree that the matter agreed to in this settlement shall be binding on them in terms of Section 18(1) of the Industrial Disputes Act, 1947, and that this settlement shall be filed with the appropriate authorities as required by Rule 58 of the Industrial Disputes (Central) Rules, 1957.

Now, therefore, it is hereby agreed and declared by and between the parties hereto as follows :

TERMS OF SETTLEMENT

1. That all the existing permanent members of the Award Staff who are in the Bank's service as on the date of signing of this settlement, whether permanent or on probation, and who worked as temporary employee against temporary vacancies between 1-11-1966 to 31-12-1978 with intermittent breaks of not more than ninety days at a time till the concerned employee had been absorbed against permanent vacancies and could not avail the benefit in terms of earlier settlement, will be considered for having their appointments predated ignoring the aforesaid maximum breaks in service. The appointment will be predated from such date wherefrom there was no break in service not exceeding ninety days at a stretch till the concerned employee had been appointed against permanent vacancies.
2. That the persons whose appointment will be predated shall not claim promotion, change of cadre, higher assignments, etc. on the basis of such predating with retrospective effect.
3. That whereas admissible (a) realisation of employees contribution of Allahabad Bank Staff Provident Fund, (b) release of difference of overtime allowance/Bonus/ex-gratia/leave fare concession block, etc. will be made as per Bank's rules/norms/discretion, ignoring the total break period. It is being made clear that no salary, attendant benefits/components etc. for the break period will be paid.
4. Individual cases of predating of appointment will be considered according to merit of each case as per aforesaid terms and conditions on receipt of individual representation from the eligible employees only, duly supported by genuine documentary evidence of his temporary period, of work for which the Bank will issue circular inviting application, giving two months time.
5. That this shall be an one time exercise in full and final settlement of all the claims and disputes and should not be quoted as a precedence. No request for extension of last date and/or consideration of delay in submitting application will be entertained by the Bank in any circumstances.
6. The foregoing terms of settlement shall be without prejudice to the rights and privileges of the employees granted by the Bipartite Settlement dated 19-10-1966 signed between All India Bank Employees Association and Indian Banks Association.

Signed by the parties named below, this day of the 13th March, 1993 in Calcutta.

For Allahabad Bank

1. U. S. GHOSE
2. C. V. VENKATARAMAN

For All India Allahabad Bank
Employees Coordination Committee
1. DHANANJAY TEWARI
2. SUDESH KUMAR
3. SURESH CHAND SHARMA

Witness :

S. K. DAS

MOHAN VYAS

For ALLAHABAD BANK
Senior Manager (I.R.)

नई दिल्ली, 11 अगस्त, 1995

का०आ० 2419 :—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वैस्टेंट रेलवे, के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-8-95 को प्राप्त हुआ था।

[संख्या ए०-41012/26/93-आई आर बी I]
पी०ज० माईकल, ईस्क अधिकारी

New Delhi, the 11th August, 1995

S.O. 2419.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway, and their workmen, which was received by the Central Government on 11-8-1995.

[No. L-41012/26/93-IR (B)]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 9/95

In the matter of dispute :

BETWEEN

Jaswant Singh through

The Secretary,
Paschim Railway Karamchari Parishad,
Railway Quarter No. 1188/A,
Ram Ganj Railway Colony, Ajmer.

Versus

Medical Adhikshak,

Mandal Karyalya,
Western Railway,
Ajmer.

APPEARANCES :

None—for the Union.

Shri Kamal Singh—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-41012/26/93-IR (B-III) dated 23-12-94 has

referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of Management of Western Railway of Ajmer through Medical Supdt. Hospital, Ajmer in compulsory retirement service of Shri Jaswant Singh w.e.f. 20-12-1988 is justified legal or proper, if not what relief the concerned workman is entitled to?"

2. Notice was sent to the workman many times to file statement of claim. Even when he was served through registered notice, The Management however, appeared and made statement that since the workman had not submitted any statement of claim they did not want to furnish any evidence in this case. In view of this situation the workman has not been able to file statement of claim and there is no dispute to be adjudicated by this Tribunal. No dispute award is, therefore given in this case.

Dated : 26th July, 1995.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 14 अगस्त, 1995

का०आ० 2420 :—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फैडरल बैंक लि० के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में लेबर कोर्ट, इरनाकुलम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-8-95 को प्राप्त हुआ था।

[संख्या ए०-12012/94/93-आई आर बी-I]
क०श्री०बी० उमी, ईस्क अधिकारी

New Delhi, the 14th August, 1995

S.O. 2420.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court, Ernakulam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Federal Bank Ltd. and their workmen, which was received by the Central Government on the 11-8-95.

[No. L-12012/94/93-JRBI]
K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE LABOUR COURT, ERNAKULAM

(Wednesday, the 28th day of June, 1995)

Present :

Shri Varghese T. Abraham, B.A.LL.M., Presiding Officer.

Industrial Dispute No. 5 of 1993(C)

BETWEEN

The Chairman, The Federal Bank Ltd., H.O. Alyawee,
Distt. Ernakulam, Kerala-683 101.

AND

Shri P. P. Varghese, Punnakal House, P. O. Chottanikara, Via Kanayannur, Distt. Ernakulam, Kerala.

Representations :

M/s. B. S. Krishnan Associates, Advocates, Cochin-16—
For Management.

M/s. M. Ramachandran & A. Jayasankar, Cochin-17—
For Workman.

AWARD

The Government of India as per order No. L-12012/94/93-IR. B.I. dt. 27-4-93 referred the following dispute for adjudication namely :—

"Whether the action of the management of Federal Bank Ltd. in terminating the services of Shri P. P. Varughese w.e.f. 21-11-89 is legal and justified ? If not, to what relief(s) the workman is entitled to and from which date ?"

2. The charges levelled against the workman are :—

(i) misrepresentation, (ii) doing acts prejudicial to the interests of bank (iii) wilful insubordination or disobedience of lawful and reasonable order of the management or supervisors, (iv) forgery (v) knowingly making false document and (vi) dishonesty.

3. After conducting a domestic enquiry the management dismissed the delinquent employee as per order dt. 6-2-90.

4. Facts which led to the industrial dispute are capsulated as follows :—

The workman while working as a bank man in the service of the management as a class IV employee came across an advertisement by Ranchi Educational Institute, Madras offering to help students in appearing various courses.

5. Attracted by grandiloquent advertisement and the prospectus, he applied for B.Com course and the institute sent him necessary materials for the course study. He appeared for examination 1980 at the C. C. Jain Commerce College, Chaibasa. The results were published in June, 1981. The institute intimated him that he passed B.Com degree examination in second class. They had collected the mark list and provisional degree certificate and sent them to him. As per the terms of agreement between the management and the workman, an automatic promotion will be given to the cadre of clerks if class IV employees secure degree certificate. Accordingly, at his request, he was promoted to clerical cadre with two increments with effect from 4-7-81. After five years the management called upon him to produce the originals of the B.Com degree certificate and mark-list. He sent documents immediately. The management further directed him to furnish the details about the institutions through which and the period during which he had undergone the S.S.L.C., Pre-degree, and degree courses. Infact he did not appear for pre-degree examination and all certificates were sent and he made the position clear as per his letter dt. 18-12-86. The management made enquiry and came to understand that the degree certificate was not genuine and that he did not participate in the examination as alleged. Thereupon the above charges were levelled against and a domestic enquiry was held. Accepting the findings of the Enquiry Officer the management imposed the extreme penalty of dismissal. Subsequently he passed B.A. degree examination from Mysore University and M.A. Course in economics. He had successfully completed part I of CAIB. According to him he did not commit any misconduct. On similar grounds disciplinary action was taken against other employees. Eventhough they were dismissed, subsequently the management reinstated them on tendering apology. As he was not willing to apologise he was dismissed from service.

6. The management filed a detailed counter contending inter-alia that the delinquent obtained bogus degree certificate from Ranchi University and on the strength of the same he obtained promotion and other benefits from the bank. Genuineness of the certificates was enquired into. The management came to understand that the certificates produced by him and alleged to have issued by Ranchi University were fake and false. Therefore disciplinary action was taken and he was found guilty to the aforesaid charges. Appeal preferred by him was also dismissed. It is long after that the workman has initiated conciliation proceedings which later culminated in the present reference. The action of the management is bonafide and it was done in the best interest of the bank. The enquiry was conducted in full compliance with all canons of natural justice. The findings of the enquiry officer were supported by evidence. The workman was never apologetic. The averments that other workmen were

reinstated are admitted. The workman does not deserve any sympathy.

7. Ext. MI is marked. No oral evidence was adduced by both sides.

8. The points which emerge for consideration are :—

- whether the domestic enquiry held against the workman was valid, proper and legal.
- whether the punishment imposed on the workman deserves to be upheld, set aside, or modified and if so to what extent ?

9. Point No. 1 : Ext. MI file will show that an enquiry was held by the disciplinary authority strictly in accordance with the norms of procedure and acceptable principles of natural justice. The workman was given sufficient opportunity to cross-examine the witnesses on the part of the management. He was represented by an Advocate of his own choice. 18 documents were marked on the side of the management and 18 documents were marked on the defence side. The enquiry report is contained in pages 22 to 61 of Ext. MI. As per the enquiry report the enquiry officer found that the delinquent was not guilty for forgery and knowingly making false statement. It was found by the enquiry officer that the workman is guilty of misconduct of doing act prejudicial to the interest of the bank. The misconduct of dishonesty is also proved. It was further found that the workman was aware of the fact that he did not pass B.Com degree of Ranchi University and that he submitted bogus marklist and provisional degree certificates. Acting upon these certificates the workman obtained promotion. Thus the misconduct of misrepresentation is also found proved. The learned enquiry officer had made a detailed discussion on the evidence on record and found the workman guilty of the charges except those stated above. I find no reason to discard the domestic enquiry and the findings arrived at by the enquiry officer. No kind of perversity is seen in the findings of the enquiry officer. Besides, the workman availed of full opportunity to participate in the enquiry and to cross-examine the management's witnesses. The enquiry was held in accordance with the principles of natural justice. No error apparent on record is noticeable. Therefore the domestic enquiry and the findings of the enquiry officer have to be accepted. Hence I hold that the enquiry was legal, valid and proper. It is an admitted fact that other employees were proceeded against on similar grounds and they were taken back by the management after accepting their apology. But the delinquent workman was not prepared to tender apology. Everyone knows that there are several rackets to provide with degree certificates, NOC, Visas etc. Innumerable job seekers and umpteen aspirants for promotion have fallen victims of these rackets. It is a case where the delinquent was cheated by the advertisement made by an educational institute. The workman did not commit any acts intentionally to practice fraud upon the management. He is duped and cheated. It is argued that the workman subsequently took his B.Com and post graduate from the Mysore University. Since the employees against whom similar charges were levelled against were reinstated, I see no reason why the present workman should not be reinstated. To deny employment and outing from service by imposing extreme punishment of dismissal merely on the ground that he was unwilling to tender apology, will be unjust, inequitable and harsh. So the only course to me is to set aside the order of dismissal and direct the management to reinstate him in service with backwages as class IV employee. The management shall take into consideration the post graduate degree obtained by the workman and promote him if the certificate is found genuine. The promotion shall be made with effect from the date of commencement of the award. Points so found.

10. In the result, the reference is answered setting aside the order of dismissal. The management is directed to reinstate the workman with backwages of class IV employees. The management shall take into consideration the degree or post graduate degree certificates to be produced by the workman for the purpose of promotion, if he is eligible under terms of agreement and the certificates are genuine. The pro-

motion will come into effect from the date of commencement of the award.

Ernakulam,
28-6-1995.

VARGHESE T. ABRAHAM, Presiding Officer

APPENDIX

Exhibit marked on the side of Management :

Ext. MI : Enquiry proceedings & related documents.
Presiding Officer

नव दिल्ली, 14 अगस्त, 1995

फांडा० 2421—ओप्पोर्टिक विवाद अधिनियम, 1947 (1917 का 14) की धारा 17 के अन्मरण में, केन्द्रीय सरकार फैडरल बैंक लिं. के प्रबन्धनतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अन्मरण में निर्दिष्ट ओप्पोर्टिक विवाद में लेवर कोंडे, इनाकुलम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-8-95 की प्राप्त हुआ था।

[संध्या पन्न-12012/321/91-आई आर बी-1]
कैन्सी-डी० उमी. इंस्क अधिकारी

New Delhi, the 14th August, 1995

S.O. 2421.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court, Ernakulam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Federal Bank Ltd. and their workmen, which was received by the Central Government on the 11-8-1995.

[No. L-12012/321/91-IRB]
K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT,
ERNAKULAM

(Labour Court, Ernakulam)
(Wednesday, the 28th day of June, 1995)

PRESENT :

Shri Vargheese T. Abraham, B.A., LL.M., Presiding Officer.

Industrial Dispute No. 14 of 1991(C)

BETWEEN

The Chairman, M/s. The Federal Bank Ltd., Head Office, Alwaye, Kerala State-683101.

AND

Sri Jose P. L. S/o Lonappan, Punneliperambil House, Kallettumbara P.O., District Trichur-680683.

REPRESENTATIONS :

Sri B. S. Krishnan,
Advocate, Ernakulam. ...For Management.

Sri M. Ramachandran,
Advocate, Kochi-17. ...For Workman.

AWARD

The Government of India as per Order No. L-12012/321/91-IRB.III dated 12-11-91 referred the following dispute for adjudication :—

“Whether the action of the management of Federal Bank Ltd. in dismissing Sri P. L. Jose w.e.f. 14-8-86 was

justified? If not, to what relief the workman is entitled to?”

2. In the claim submitted by the workman, it is alleged as follows :

While he was working as a clerk at Panangad Branch of the management, he was served with a charge sheet dated 10-3-82 alleging four charges. He gave an explanation denying the charges. He was placed under suspension and a domestic enquiry was held. Sri K. V. Kuriakose, Deputy General Manager was appointed as the enquiry officer. Sri P. V. Thomas was appointed as the presenting officer. Thereupon he protested their appointments and subsequently the management had withdrawn Sri M. V. George. The domestic enquiry was held only as an empty formality. He requested the management to adjourn the disciplinary proceedings till the disposal of the criminal case. But the management proceeded with the enquiry. His prayer for adjournment on medical ground was also rejected. The postings of the enquiry were not intimated him. Enquiry was held behind him. The enquiry is vitiated by the principles of natural justice. Findings of the enquiry officer are perverse. The domestic enquiry and disciplinary action are vitiated by mala fides. He was acquitted by the Judicial Magistrate of First Class, Aluva on 31-7-85 in C.C. No. 119/82.

3. The management raised the following defence. The workman pilfered Demand Draft leaves from Panangad Branch with a view to defrauding the bank. He opened an account as S. B. account No. 3993 in the name of one Samuel Joseph at Aluva Branch. He forged the signature of Sri C.C. Joseph, Clerk, then working at Kalamassery. He collected 10 cheque leaves in the account of Sri C. C. Joseph. He forged signatures of the officials of Panangad Branch and thereby appropriated the demand draft amounts. He presented the forged D.D. two fold dated 15-2-82 at Aluva Branch and got the proceeds of drafts credited to S.B. Account of one Samuel Joseph on 18-2-82. He withdraw an amount of Rs. 9000. He further opened an account on 2-1-82 as S.B. account No. 11783 of Aluva B. J. Branch in the name of one M. L. Francis. He forged signature of C. C. Joseph as introducer and he collected a cheque book containing 10 leaves in this account. Again on 23-1-82 he visited Aluva RSS Branch and got opened S. B. account No. 4028 in the name of one E. Rajendran with forged signature of the same C. C. Joseph as introducer. He further opened an S. B. account as 2302 with Panangad branch on 20-1-82 in the name of one Sri. Appukuttan Nair, a fictitious person. The workman is also managed to advise Aluva B. J. Branch that Panangad branch had drawn on Alava B. J. Branch two drafts in favour of Sri. M. L. Francis.

4. The workman was called upon to submit his explanation. The management was not satisfied with the explanation. He was placed under suspension with effect from 27-3-82. An enquiry was ordered. Sri. K. V. Kuriakose was appointed as enquiry officer and P. V. Thomas was appointed as the presenting officer. Several adjournments were given and ultimately the case was posted to 17-9-83. He submitted an application for adjournment on medical ground. The enquiry was again adjourned to 3-10-83. In the meantime, at the request of the workman, the enquiry officer was changed by the disciplinary authority and Sri. M. V. George was appointed as the enquiry officer. The enquiry officer has posted the enquiry on 10-11-83. At the request of the workman the enquiry was adjourned to several days. The workman again applied for adjournment on the ground that the workman had to attend the Magistrate Court at Aluva. The enquiry was adjourned to 12-1-84. On that day he appeared. He denied the charges. The enquiry was adjourned to 30-1-84. He sought permission to engage a lawyer and supply photocopies of management's documents till the disposal of the criminal case. His request for engaging a lawyer and true copies of documents were allowed. But his request for keeping the enquiry in abeyance till the disposal of the criminal case was declined. The workman was charged sheeted by the local police and a case was pending as C.C. 119/82.

5. The enquiry was again posted to 30-4-84 with notice to the worker. He attended the enquiry. The chief examination of first three witnesses on the side of management was done. The copy of the enquiry proceeding were sent

to the workman by registered post and notice was given posting the enquiry to 16-5-84. But he did not appear. It was on 28-5-84 that the workman appeared and on that day he submitted a representation stating that he was not in a position to cross examine the management witnesses until the disposal of the criminal case. This was not allowed. He walked out from the venue of the enquiry. Thereafter two witnesses were examined in chief. The enquiry officer sent copy of the proceedings dated 28-5-84 to the workman on 31-5-84 by registered post. The next sitting was on 4-9-84 with notice to the workman. On that day the third witness was examined. The workman did not turn up. The enquiry was posted to 4-9-84. The enquiry officer received an application for adjournment by the workman on the ground of sickness. During this period the workman obtained an order on injunction from the Munsif's Court, Perumbavoor restraining the management from proceeding with the enquiry. That order was later stayed by District Court, Parur by its order dated 1-8-84. The workman filed CRP before the High Court of Kerala and obtained stay of enquiry proceedings till 25-1-84. The High Court disposed of the CRP with a direction that the workman will be allowed to cross examine all the witnesses examined earlier, subject to condition that the would co-operate with the management in completing the enquiry. The enquiry was again posted to 8-3-85 with notice to the workman. He did not turn up. Magistrate Court acquitted the workman, on the ground of benefit of doubt. Accordingly the enquiry officer was directed to reopen the enquiry. It was further directed that evidence already on record may be kept in tact so that parties may be permitted to adduce further evidence if any and the workman to cross examine the witnesses already examined, if he desired to do so. Thereafter the enquiry officer posted the enquiry on 27-1-86 with notice to the workman. But he did not appear. The management wanted to adduce further evidence. The enquiry was adjourned to 12-3-86 with notice to the parties. On that day the workman appeared before the enquiry officer and submitted his representation requesting him not proceed with the enquiry. The workman did not cross examine the witnesses on the side of management. The management produced some documents and the enquiry was adjourned to 14-3-86. On that day another witness was examined on the side of management. Documents were marked and proceedings were closed. Copy of the days proceedings was sent to the workman. He was further informed that he will be given further opportunity to cross-examine the witnesses for the management. There was no response from the workman. Hence the enquiry was concluded. After considering the materials on record, the enquiry officer submitted a report on 22-6-86. Taking into account the findings of the enquiry officer, evidence in the enquiry proceedings, the representation submitted by the workman and judgement passed by the criminal court the disciplinary authority passed detailed orders agreeing with the findings of the enquiry officer and proposed to impose the punishment of termination from service giving three months notice. The workman was offered a personal hearing. He appeared for the hearing on 26-7-86 and requested not to remove him from service. As per order dated 14-8-86 his service was terminated by the disciplinary authority. The workman preferred an appeal before the appellate authority which in turn, confirmed the decision of the disciplinary authority. Again on 16-11-87 the workman submitted a petition requesting the review the decision of the appellate authority but the authority did not act upon. The matter was taken up by the workman before the Assistant Labour Commissioner (C), Ernakulam.

6. The enquiry was conducted by the management strictly in and in full compliance with the principles of natural justice and the findings are supported by legal evidence. The workman was given every opportunity to participate in the proceedings and adduce evidence. The enquiry was valid and proper. The misconduct committed by the workman is grave and hence the punishment imposed on him is proportionate to the gravity of misconduct. The punishment was imposed to maintain discipline in the establishment. There is no mitigating circumstance to show any sympathy to the workman. So it is prayed for dismissal of the claim.

7. On the side of the management MW1 is examined and Ext. M1 is marked. No evidence is adduced by the workman.

8. The points which arise for consideration are:—

- Whether the domestic enquiry held on the workman is valid and proper?
- Whether the punishment imposed is proportionate to the gravity of misconduct of the workman?

9. Point No. (i).—MW1 is the Joint General Manager of the management bank. The workman was working at the Panangad branch of the Federal Bank. While working in that capacity he committed misconduct above alleged. Ext. M1 is the concerned file relating into the enquiry conducted by the disciplinary authority. The enquiry was conducted by MW1. At that time he was Deputy General Manager there were 5 sittings. For two sittings, the workman did not participate without any intimation. The workman was permitted, at his request, to engage a lawyer. He was given opportunity to cross examine the witness on the part of management. In the enquiry the misconduct committed by the workman was found established. In cross examination MW1 would show that the former enquiry officer was K. V. Kuttiakose, Deputy General Manager, and subsequently the enquiry officer was changed.

10. The enquiry proceedings will show that the workman did not avail of the various opportunities given to him by the enquiry official for flimsy reasons. After the Chief examination of all the witnesses, the workman was given sufficient opportunity to cross examine them. The charges levelled against the workman are removal of one book containing 50 leaves of demand draft and also another book containing 50 leaves of the Panangad Branch with a view to defraud the management. He opened account in the name of one Sri Samuel Joseph at Aluva, RSS branch and for the purpose of introducing him, he forged the signature of another clerk, C. C. Joseph who was working at Kalamassery branch. It is also alleged that he removed a cheque book containing 10 leaves in the account from the branch and he with the help of stolen draft leaves created one draft dated 15-2-89 for Rs. 54,700 and another draft for Rs. 9250 as drawn by Panangad branch on RSS branch at Aluva in favour of Sri Samuel Joseph. The workman sent draft advices in respect of the above two drafts from Panangad branch to Aluva branch forging the signatures of officials of Panangad branch and made use of demand draft. He is also alleged to have presented the forged drafts and got the proceeds of drafts credited to S.B. account of Sri Samuel Joseph on 18-2-82.

11. Another charge is that on 2-1-82 he opened an S.B. account in the name of one M. L. Francis at Aluva RJ branch with forged signature of C. C. Joseph as introducer and he managed to collect cheque book containing 10 leaves in this account. Another charge is that on 23-1-82 he visited Aluva RSS branch and got opened SB account in the name of one P. Rajendran with forged signature of C. C. Joseph as introducer. Similarly he opened another account in the name of P. Appukuttan Nair a fictitious person. All these allegations are proved in the domestic enquiry. The disciplinary authority as per order dated 14-8-86 terminated his service on payment of three months pay and allowances in lieu of notice. The appeal taken by the worker before the appellate authority is also dismissed. Ext. M4 contained in page 103 of Ext. M1 can be taken as a trump card by the management. Since it will evidence that the workman, before the Manager of the Federal Bank admitted the misconduct and prayed for condonation. Exts. M3, M2 and M1 will also amounts to admission on the part. Several documents are marked on the side of Management and these are taken into consideration by the enquiry officer. Pages 122 to page 138 of Ext. M1 contain the findings of the enquiry officer. The enquiry officer found that the delinquent workman has wilfully and deliberately presented the stolen and forged draft at the Aluva RSS branch and got an account opened in the name of a fictitious person by name Sri Samuel Joseph and withdraw the amounts. The final conclusion of the enquiry officer is contained in pages 137, 138 of Ext. M1.

12. The relevant portion is extracted below:—

"The Management Representative, to establish the charges against him, his fraudulent operations thereon and his criminal mentality to defraud the Bank has produced many other documents of stolen draft leaves

admitted by him, kept prepared by him in his own handwriting confirmed by MW4 suspected to have kept by him to be used on future dates such as ME 22, 23, 24, 25, 26, 27, 28, 29. Also he has produced cheque leaves written by him in his own handwriting confirmed by MW4, drawn on the accounts opened by the delinquent in fictitious names such as ME 18, 19, 20, 21 held by him, ME 43, and 44 connected with the cheque for Rs. 9,000/- and ME 1 and 2 connected with the cheque for Rs. 8,000/- entrusted by him at Panangad branch for collection from Alwaye RSS branch.

From the above evidence combined with the arguments, advanced by the Management Representative and witnesses produced during the course of the proceedings, I find that all the charges against the delinquent are proved to be correct."

13. It is to be noted that when the court is called upon to consider the propriety, legality and correctness of the domestic enquiry, it is not expected to sit in appeal over the decision taken by the enquiry officer. The question to be considered is whether a reasonable man in like circumstances will arrive at such a conclusion. Sitting in the arm chair of a reasonable man I have to agree with the findings of the enquiry officer. When the workman is given sufficient opportunity to cross examine the witnesses and adduce evidence on his side and subsequently he failed to do so, the enquiry report cannot be thrown out saying that the delinquent workman was not properly heard. The learned counsel for the workman would argue that the enquiry was conducted by the appointing authority and hence the enquiry is vitiated. His argument is based on the principle that no man shall act as a judge in his own cause. But that argument will not stand in this case since the enquiry was conducted by the disciplinary authority. The enquiry officer has nothing to do with the appointment. He is not the appointing authority. The enquiry was impartial. The management was represented by the presenting officer. At the request of the workman, he was allowed to engage a lawyer. But he refused to engage a lawyer and he refused to participate in the enquiry fully. If he failed to avail of the opportunity given to him, he cannot be heard to say that reasonable opportunity was not afforded to him. Ext. M1 will show that the management took into account several representations made by him. Notices of adjournments were served on the workman. The first enquiry officer was changed on the complaint by the workman. Therefore I see no kind of partiality in the enquiry held by the enquiry officer.

14. Yet another attack made by the workman against the enquiry is that the enquiry officer proceeded with the enquiry on the charges which are the subject matter before a Magistrate Court in a then pending criminal case. There is distinction between the misconduct and consequent criminal case connected with the employment and the one unconnected with the employments. In the former case the management is not debarred from proceeding with the enquiry, even though a criminal case is pending against the delinquent workman. It is not a case where action was held on a misconduct unconnected with the employment or on the ground of conviction by the criminal court. There are umpteen decisions to the effect that the management can proceed with the enquiry even though a criminal case is pending against the workman. Therefore the two grounds of attack made by the workman against the domestic enquiry have no legs to stand on. Therefore I hold that the domestic enquiry was held properly and legally and that the enquiry officer conducted the enquiry with almost compliance with the principles of natural justice and the norms of disciplinary action. Points so found and against the workman.

15. Point No. (ii): This is a case where the delinquent workman is proved to have committed pilferage of D.D. leaves of the bank where he was working. He opened accounts in the names of fictitious persons. He withdrew a huge sum by practising fraud. It is a case of dishonesty, fabrication of documents and disloyalty towards the management. If leniency is taken it will not be conducive to discipline. The workman does not deserve any mercy. The Labour Court or Tribunals are not expected to show leniency and shower sympathy on such dishonest and disloyal employees like the present workman. The misconduct committed by the workman are so grave and the extreme penalty of termination of service is proportionate to the gravity of mis-

conduct. No interference is called for. Point found against the workman.

16. In the result, the reference is answered holding that the action of the management dismissing the workman Sri P. L. Jose with effect from 14-8-86 was justifiable and hence he is not entitled to get any relief under law. Ernakulam,
28-6-1995.

VARGHESE T. ABRAHAM, Presiding Officer

Appendix

Witness examined on the side of Management:

MW1. Sri M. V. George.

Exhibit marked on the side of Management:

Ext. M1. Enquiry Proceedings and related documents.

नई दिल्ली, 14 अगस्त, 1995

का.ओ. 2422:—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की घारा 17 के अनुसरण में, केन्द्रीय सरकार वैस्टर्न रेलवे के प्रबन्धसंच के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंदोलिक विवाद में आंदोलिक अधिकरण, बदोदरा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-8-95 को प्राप्त हुआ था।

[मेच्या एस-41011/70/93-आई आर बी आई]

के.बी.बी. उन्नी, डेर्स्क अधिकारी

New Delhi, the 14th August, 1995

S.O. 2422.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Vadodara as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Rly. and their workmen, which was received by the Central Government on the 11-8-1995.

[No. L-41011/70/93-IRBI]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI A. B. MARATHE, INDUSTRIAL TRIBUNAL (CENTRAL) VADODARA

Reference (ITC) No. 1/1994.

Chief Manager,

Western Railway,

Dehod-389 160. First Party.

V/s

Secretary,

Paschim Railway Karmachari Parishad,
Shriram Colony Godhra Road,

Dabod-398 160.

Second Party.

AWARD

(1) The Desk Officer, Ministry of Labour, Government of India by order No. L-41011/70/

93-IR(DU) B.I. dated 29-4-94 referred the following industrial dispute for adjudication to this Tribunal :—

“Whether the action of the manager of Railway Administration, Western Railway, Dahod through Chief Works Manager, Railway Workshop, Dahod in demoting/reverting S Shri Everste F. Nanalal G., Premanand S., Jaswinder Singh, Ramaura S., Davis E. T., Mal-singh J., Ashok S., Lalbahadur P., Hiralal R. Lunia R. Dollymen to the posts of “Khalasi Helper” is legal and justified ? If not, to what relief the concerned workmen are entitled to ?”

(2) The notice of this reference was sent to the second party union by R.P.A.D. and the postal acknowledgment bearing the signature of the second party is at Ex. 3. The second party was supposed to appear and file the statement of claim on 16-1-95. On 16-1-95 a Workman appeared and requested for date. Accordingly, the matter was adjourned to 20-2-95 for filing statement of claim. Then matter was further adjourned to 20-3-95, 24-4-95 and 17-7-95. But on none of these dates anybody appeared for the second party. Therefore, it appears the second party has lost interest in this reference. Hence the order :—

Dismissed for want of prosecution.

Dated 24-7-1995.

A.B. MARATHE, Industrial Tribunal (C)

नई दिल्ली, 14 अगस्त, 1995

का०आ० 2423.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिजर्व बैंक ऑफ इंडिया के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करनी है, जो केन्द्रीय सरकार को 11-8-95 को प्राप्त हुआ था।

[संख्या एस-12012/62/87-डी IV आई आर वी आई]
कौवी०वी० उम्मी० उम्मी० डैस्क अधिकारी

New Delhi, the 14th August, 1995

S.O. 2423.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Reserve Bank of India and

their workmen, which was received by the Central Government on the 11-8-95.

[No. L-12012/62/87—D4IR(BI)]
K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE SHRI GANPATI SHARMA: PRESIDING OFFICER : CENTRAL GOVT.
INDUSTRIAL TRIBUNAL: NEW DELHI

I.D. No. 73/88

In the matter of dispute between:

Shri Jagmohan, Rajendra Prasad, Vilochan Prakash and Ashok Kumar Rohilla, (Through Reserve Bank Employees' Union, Sansad Marg, New Delhi-110001.)

Versus

The Reserve Bank of India, New Delhi-110001.

APPEARANCES:

Shri R. P. Aggarwal—for the workman.

Shri R. Mehndiratta—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/62/87-D-4(A) dated 15-7-88 has referred the following industrial dispute to this Tribunal for adjudication:

“क्या भारतीय रिजर्व बैंक के प्रबन्धतंत्र की 5-12-1983 से, चपरासी सर्व श्री जगमोहन राजेन्द्र प्रसाद तिलोकचन्द्र प्रकाश और, अशोक कुमार रोहिला की सेवाएं नियमित न करने को कार्यवाही न्यायोचित हैं, यदि नहीं तो ये चार कर्मगार किस अनुतोष का हकदार हैं?

2. The workmen in their statement of claim have alleged that the management had sent a requisition to the Regional Employment Exchange, Kasturba Gandhi Marg, New Delhi to sponsor candidates or filling up the vacant post of peon in that bank. The employment exchange sponsored the names of the workmen for consideration. After completing the various formalities the workmen were called for interview and were finally kept on the waiting list. The workmen vide letter dated 28-11-83 were directed to report the bank on 25th December, 1983. They reported and were told that before appointing them to the post of peon they could be appointed as cash Mazdoor on daily basis. The workmen accepted the same and started working as such w.e.f. 5th December, 1983 and continued work upto 27th

October, 1984. They were laid off completely for 28th October, 1984 to 18th March, 1985. Thereafter they had again been reporting to the bank and were offered by the bank to work on daily wages with some long intervals.

3. It was further alleged in the statement of claim since the workmen had been in the service of the bank since 5th of December, 83 so they should be deemed to have been appointed as Peon on regular basis w.e.f. that date with all consequential benefits such as continuity of service seniority etc.

4. The Management in its written statement alleged that the workmen concerned were kept on the waiting list on the recommendations of the selection committee for the post of peons since there was no vacancy at that time and the entire waiting list could not be given employment. The persons kept on waiting list were taken in the employment as and when the vacancies arose. The workmen had been given appointment letters for working on daily wages depending upon the availability of the work. They have no right to claim the post of Peon from the date they were appointed as daily rated mazdoor because they never perform the functions of peon nor were they appointed to that post.

5. The Management examined Shri S.L. Ravi, Personnel Officer, MWI while the workman Shri R.B. Aggarwal appeared as WW1.

6. I have heard representatives of the parties and have gone through the record.

7. The contention of the workman representative that they should be treated as Peon from the date they were appointed as Tika Mazdoor is based on the facts as stated in the statement of claim. He has reiterated what was stated in the claim and the affidavit filed by him in support of his evidence. Similarly the management representative has urged in his oral as well as written arguments that the workmen were not entitled to be considered as Peon from the date they were appointed as Tika Mazdoor. They never worked as Peon nor were appointed on the said post.

8. After having gone through the points urged before me by the representatives for the parties, I am of the considered opinion that the workmen have no case at all. They were selected as Peons and were kept on the waiting list. The selection is a process of posting and no posting/appointment was given to them because it depends upon the availability of the vacancy. The person placed on the waiting list has to wait till the vacancy arises. They were placed at Sl. No. 42-43, 45-46 which means there were other persons senior to them on the selected waiting list. They were, however, offered to work as daily wagers

which they accepted but the fact that they were put on the job of a daily wager does not entitle them to become peons automatically. The work of a daily wager again depends upon the availability of work which they themselves have stated in the statement of claim was sometime not given to them. It cannot be presumed by any stretch of imagination that a person who has not been posted/appointed as a Peon and has worked as daily wager with long interruption breaks could be made a regular peon in the department. He has to be issued appointment letter for which he is selected. He has to take over the charge of the said post and then he is being appointed to that post. These workmen were never appointed as Peon and their claim to have continued of service from the date they are appointed as Tika Mazdoor cannot in any way be entertained. I am, therefore, of the considered view that the case of the workman has no legs to stand upon and the act of the management was fully justified and legal. However, in the interest of justice I leave the parties to bear their own costs.

GANPATI SHARMA, Presiding Officer.

नई दिल्ली, 16 अगस्त, 1995

का.आ. 2424.—जबकि दूर संचार विभाग, करीम नगर के प्रबंधन और उनके कामगार जिनका प्रतिनिधित्व अखिल भारतीय दूर संचार कर्मचारी संघ, लाइन स्टाफ एवं ग्रुप "डी" करीम नगर द्वारा किया जा रहा है, के बीच एक औद्योगिक विवाद विद्यमान है,

और जबकि, उक्त प्रबंधन और उनके कामगार, जिनका प्रतिनिधित्व अखिल भारतीय दूर संचार कर्मचारी संघ, लाइन स्टाफ एवं ग्रुप "डी" द्वारा किया जा रहा है, औद्योगिक विवाद अधिनियम, 1947 (1947 का 15) की धारा 10-क वी उपधारा (1) के अन्तर्गत एक निविस करार द्वारा उक्त विवाद को विवाचन हेतु भेजने पर सहमत हो गये हैं तथा उक्त विवाचन करार की एक प्रति केन्द्रीय सरकार को अप्रेपित कर दी गई है,

अनः अब, उक्त अधिनियम की धारा 10-क की उपधारा (3) के अन्तर्गत में केन्द्रीय सरकार उक्त करार को प्रकाशित करनी है।

करार

(श्रीद्योगिन विवाद अधिनियम, 1947 की धारा 10-क के अन्तर्गत)

के बीच

पक्षकारों के नाम

नियोजक के प्रतिनिधि

उप प्रभागीय कार्यालय दूर

कामगार के प्रतिनिधि

श्री बी. राजेन्द्र

1 2
 मंचार, करीम नगर-505001 पूर्व नैमित्तिक श्रमिक मार्फत
 श्री ए. राजामौली, क्षेत्रीय सचिव,
 बारंगल भोव, ए आई टी ई यू
 लाइन स्टाफ, ग्रुप "डी", म.
 नं. 6-1-14, करीम नगर
 करीम नगर-505001

पथकार निम्नलिखित विवाद को विवाचन के लिये
 श्री ए. प्रभाकर, क्षेत्रीय श्रमायुक्त (के०), हैदराबाद के पास
 भेजने के लिये सहमत हो गये हैं।

(i) विवाद का विशिष्ट श्री बी० राजेन्द्र,
 मामला पूर्व-नैमित्तिक श्रमिक की
 सेवाओं में 1-6-1987 से
 अभिकथित गैर-कानूनी रूप से
 छंटनी

(ii) विवाद में शामिल उप-प्रभागीय अधिकारी दूर-
 पथकारों के ब्यौरे प्रतिष्ठान मंचार, करीम नगर (आ०.प्र.)
 अथवा उपकर के नाम
 और पने महिने

(iii) कामगार का नाम यदि
 वह विवाद में स्वयं अन्तर्गत
 हो अथवा मंध का नाम,
 यदि कोई कामगारों अथवा,
 प्रश्नगत कामगार का प्रति-
 निधित्व करता हो

श्री बी० राजेन्द्र,
 मार्फत ए. राजामौली,
 क्षेत्रीय सचिव, बारंगल,
 भोव, ए आई टी ई यू लाइन
 स्टाफ एवं ग्रुप "डी" करीम
 नगर (आ०.प्र.)

(iv) उपकर में लियोजिश-
 प्रभावित कामगारों की
 कुल संख्या 100

(v) विवाद से प्रभावित
 अथवा प्रभावित होने वाले
 कामगारों की अनुमानित
 संख्या एक

विवाचक अपना पंचाट तीन माह की अवधि के भीतर
 अथवा हमारे बीच परस्पर लिखित करार द्वारा बढ़ाई गई
 और अवधि के भीतर देगा। यदि ऊपर वर्णित अवधि के

भीतर पंचाट नहीं दिया जाता है तो विवाचन के लिये
 संदर्भ स्वतः निरस्त हो जायेगा और हम नये सिरे से
 विवाचन हेतु बातचीत करने के लिये स्वतन्त्र होगे।
 प्रबंधन की ओर से संघ की ओर मे

ह०/- (एम० राजगोपाल सिंह) (ए० राजामौली) क्षेत्रीय सचिव,
 स०श०/प्रशा०, टी ई ई का ग्रुप "डी",
 कार्यालय, करीमनगर
 कृते एस डी ओ टी,
 करीमनगर
 साथी

1. ह०/- श्री बाई० एस० प्रार० मूर्ति,
 उ०श०/लि०, स० श्रमायुक्त (के०) का
 कार्यालय, मांचेरियल

2. ह०/- श्री टी० कुमारा सेना, श० श०/लि०,
 स० श्रमायुक्त (के०) का कार्यालय,
 मांचेरियल

विवाचक की सहमति

विषय: दूर-संचार विभाग, करीमनगर के प्रबंधन और
 उनके कामगार श्री बी० राजेन्द्र, पूर्व-नैमित्तिक
 श्रमिक के बीच अभिकथित गैर-कानूनी छंटने से
 उनकी सेवाएं समाप्त कर दिये जाने पर औद्यो-
 गिक विवाद-धारा 10-का के अंतर्गत विवाचन
 के लिए सहमति के बारे में।

संदर्भ: क्षेत्रीय श्रमायुक्त (के०) हैदराबाद का पत्र सं०
 6/25/95-बी०-1, दिनांक 19-7-95

कृपया अपने ऊपर वर्णित पत्र का अवलोकन करें।
 मैं, श्री बी० राजेन्द्र (कामगार) और एस डी ओ टी,
 करीमनगर (प्रबंधन) के बीच औद्योगिक विवाद में विवाचक
 के रूप में कार्य करने के लिए सहमत हूं।

ह०/-
 (ए० प्रभाकर)
 उप-क्षेत्रीय श्रमायुक्त (के०), हैदराबाद
 [सं० एल-40013/5/95-आई० प्रार० (डी०य०)]
 के० बी० बी० उशी, डेस्क प्रधिकारी

New Delhi, the 16th August, 1995

S. O. 2424:—Whereas an industrial dispute exists between the management of Telecom Department, Karim-nagar and their workman represented by the All India Telecom Employees Union, Line Staff & Group, 'D' Karim-nagar ;

AND, WHEREAS, the said management and their workman represented by All India Telecom Employees Union, Line Staff and Group 'D' have by written agreement under sub-section (i) of Section 10-A of the Industrial Disputes, Act, 1947 (15 of 1947), agree to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreements ;

Now, therefore, in pursuance of sub-section (3) of Section 10-A of the said Act, the Central Government hereby publishes the said agreement.

AGREEMENT

Under Section 10-A of the Industrial Disputes Act, 1947)

Between

NAME OF THE PARTIES

Representing Employer
The Sub-Divisional Office,
Telecom, Karimnagar-505001

Representing Workman
Shri B. Rajender,
Ex-Casual Labour,
C/o Shri A. Rajamouli,
Area Secretary Warangal Area.
AITEU Line Staff.
Group 'D', H. No. 6-1-14,
Ashok Nagar,
Karimnagar-505001

It is hereby agreed between the parties to refer the following dispute to the arbitration of Shri A. Prabhakar, Regional Labour Commissioner (Central) Hyderabad.

(i) Specific matter in dispute:

Alleged illegal retrenchment from services of
Sri B. Rajender Ex-Casual Labour,
w.e.f. 1-6-1987

(ii) Details of the parties to the dispute

including the name and address of the establishment or undertaking

The Sub-Divisional Officer Telecom,
Karimnagar (AP)

(iii) Name of the workman in case he himself is involved in the dispute or the name of the union, if any representing the workmen or workman in question.

Sri B. Rajender
C/o A Rajamouli,
Area Secy. Warangal Area,
AITEU Line Staff & Group 'D' Karimnagar.
(A.P.)

(iv) Total number of workmen employed in the undertaking : affected.

100

(v) Estimated number of workmen affected or likely to be affected by the dispute.

One

The Arbitrator shall make his award within a period of three months or within such further time as is extended by mutual agreement between us in sitting. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

On behalf of the management
Sd/-

(M. Rajagopal Singh)

AE/Admin. O/o TDE,
Karimnagar fo. SDOT,
Karimnagar.

On behalf of the Union
Sd/-

(A. Rajamouli)

Area Secretary,
AITEU, Line Staff & Group 'D',
Warangal Area Karimnager.

Witnesses

1. Sd/-
Sri Y.S.R. Murthy,
UDC, O/o ALC(C),
Mancherial.

2. Sd/-
Sri T. Kumara Sena,
LDC,
O/o ALC(C) Mancherial.

CONSENT OF THE ARBITRATOR

Sub. I.D. between the management of Telecom Department, Karimnagar and their workman Shri B. Rajender, ex-casual labour over alleged illegal termination of his services—Consent for Arbitration under Section 10-A reg.

Ref. RLC(C) Hyderabad letter No. 6/25/95-VI, dated 19-7-95

Please refer to your letter cited above. I am willing to act as an arbitrator in the dispute between Shri B. Rajender (Workman) and SDOT, Karimnagar (Management).

Sd/-

A. Prabhakar
Dy. RLC(C) : Hyderabad
[No. L-40013/5/95 IR(DU)]
K.V.B. UNNY, Desk Officer

मई दिल्ली, 16 अगस्त, 1995
का. आ. 2425.—जबकि दूरसंचार विभाग, करीम नगर के प्रबंधन और उनके कामगार जिनका प्रतिनिधित्व अधिन भारतीय दूरसंचार कर्मचारी संघ, लाईन स्टाफ एवं यूप “डी” करीम नगर द्वारा किया जा रहा है, के बीच एक औद्योगिक विवाद विद्यमान है,

और जबकि, उक्त प्रबंधन और उनके कामगार, जिनका प्रतिनिधित्व अधिन भारतीय दूरसंचार कर्मचारी संघ, लाईन स्टाफ एवं यूप “डी” द्वारा किया जा रहा है, औद्योगिक विवाद अधिनियम, 1947 (1947 का 15) की धारा 10-क की उपधारा (i) के अन्तर्गत एक लिखित करार द्वारा उक्त विवाद को विवाचन हेतु भेजने पर सहमत हो गये हैं तथा उक्त विवाचन करार की एक प्रति केन्द्रीय सरकार को अपेक्षित कर दी गई है,

अतः, अब, उक्त अधिनियम की धारा 10-क की उपधारा (3) के अनुसरण में केन्द्रीय सरकार उक्त करार को प्रकाशित करती है।

करार

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अन्तर्गत)

के बीच

पक्षकारों के नाम

नियोजक के प्रतिनिधि कामगार के प्रतिनिधि
उप-प्रभागीय कार्यालय दूर-
संचार, करीम नगर-505001 श्री एस. डी. शम्भूरहुसैन,
पूर्व नैमित्तिक श्रमिक मार्फत
श्री ए. राजामोली, क्षेत्रीय सचिव वारंगल थेट्र, ए. आई ई. ई
टी ई. यू. लाईन स्टाफ, यूप
“डी” मॉन्न. 6-1-14, अशोक
नगर, करीम नगर-505001

पक्षकार निम्नलिखित विवाद को विवाचन के लिए श्री
ए. प्रभाकर, क्षेत्रीय श्रमायक (के०) नैदंगवाद के पाम
भेजने के लिए सहमत हो गये हैं।

(i) विवाद का विविष्ट भास्त्रा	श्री एस. डी. शम्भूरहुसैन, पूर्व- नैमित्तिक श्रमिक की सेवाओं में 1-12-88 से अधिकाधिक गंग- कानूनी रूप में छंटनी उप-प्रभागीय अधिकारी दूर- संचार, करीम नगर (आ०प्र०)
(ii) विवाद में जामिल पक्ष- कारों के व्यौरे प्रतिष्ठान प्रथवा उपक्रम के नाम और पते सहित	श्री एस. डी. शम्भूरहुसैन, मार्फत ए. राजामोली, क्षेत्रीय सचिव, वारंगल थेट्र, ए. आई ई. ई यू. लाईन स्टाफ एवं यूप “डी” करीम नगर (आ०प्र०) प्रवेश
(iii) कामगार का नाम यदि वह विवाद में स्वयं अंतर्गत हो प्रथवा संघ का नाम, यदि कोई कामगारों प्रथवा प्रश्न- गत कामगार का प्रति- निधित्व करता हो	श्री एस. डी. शम्भूरहुसैन, मार्फत ए. राजामोली, क्षेत्रीय सचिव, वारंगल थेट्र, ए. आई ई. ई यू. लाईन स्टाफ एवं यूप “डी” करीम नगर (आ०प्र०) प्रवेश
(iv) उपक्रम में नियोजित- प्रभावित कामगारों की कुल संख्या	100
(v) विवाद से प्रभावित प्रथवा प्रभावित होने वाले कामगारों की अनु- मानित संख्या	एक
विवाचक अपना पंचाट तीन माह की अवधि के भीतर अथवा हमारे बीच परस्पर लिखित करार द्वारा बढ़ाई गयी और अवधि के भीतर देगा। यदि ऊपर वर्णित अवधि के भीतर पंचाट नहीं दिया जाता है तो विवाचन के लिए संबर्ध स्वतः निरस्त हो जाएगा और हम नये सिरे से विवाचन हेतु बानधीन करने के लिए स्वतंत्र होंगे।	
प्रबंधन की ओर से	संघ की ओर से
ह. /-	ह. /-
(एम. राज गोपाल सिंह)	(ए. राजामोली)
स. अ. /प्रशा. डी. डी. ई का	क्षेत्रीय सचिव,
कार्यालय, करीम नगर	ए. आई ई. ई. यू. लाईन स्टाफ एवं
हृते एम. डी. श्री डी. ई का	यूप “डी” वारंगल थेट्र,
करीम नगर	करीम नगर

साक्षी

1. ह. /-

श्री वाई. एस. आर. मूर्ति,
उ. श्र. लि., स. श्रमायुक्त (के.) का
कार्यालय, मांचेरियाल

2. ह. /-

श्री टी. कुमारा सेना, श्र. श्र. लि.,
स. श्रमायुक्त (के.) का कार्यालय,
मांचेरियाल

विवाचक की सहमति

विषय : दूरसंचार विभाग, करीम नगर के प्रबंधन और उसके
कामगार श्री एस. डी. शब्दीर हुसैन, पूर्व नैमित्तिक
श्रमिक के बीच अभिकथित गैर-कानूनी ढंग से उनकी
सेवायें समाप्त कर दिये जाने पर श्रोद्योगिक विवाद-

भारा 10-के श्रमतर्गत विवाचक के ये
सहमति के बारे में।

संदर्भ : क्षेत्रीय श्रमायुक्त (के.), हैदराबाद का पत्र सं.
6/24/95-बी-1, दिनांक 10-7-95

कृपया अपने ऊपर वर्णित पत्र का अवलोकन करें,
मैं, श्री एस. डी. शब्दीर हुसैन (कामगार) और एस डी श्री टी.
करीम नगर (प्रबंधन) के बीच श्रोद्योगिक विवाद में विवाचक
के रूप में कार्य करने के लिये सहमत हूं।

ह. /-

(ए. प्रभाकर)

उप-क्षेत्रीय श्रमायुक्त (के.), हैदराबाद
[सं. एल-40013/6/95-वाई.आर. (डी.प.)]
के० बी० बी० उन्नी, डैस्ट्रिक्ट अधिकारी

New Delhi, the 16th August, 1995

S.O. 2425:—Whereas an industrial dispute exists between the management of Telecom Department Karimnagar and their workman represented by the All India Telecom Employees Union, Line Staff & Group 'D' Karimnagar,

And, whereas, the said management and their workman represented by All India Telecom Employees Union Line Staff and Group 'D' have by written agreement under sub-section (i) of Section 10-A of the Industrial Dispute Act, 1947 (15 of 1947), agree to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement:

Now, therefore, in pursuance of sub-section (3) of Section 10-A of the said Act, the Central Government hereby publishes the said agreement.

AGREEMENT

(Under Section 10-A of the Industrial Disputes Act, 1947)
Between

NAME OF THE PARTIES

Representing Employer

The Sub-Divisional Office Telecom,
Karimnagar 505001

Representing Workman

Shri S.D. Shabbir Hussain,
Ex-Casual Labour,
C/o Sri A. Rajamouli,
Area Secretary Warangal Area,
AITEU Line Staff,
Group 'D' H. No. 6-1-14,
Ashok Nagar,
Karimnagar-505001

It is hereby agreed between the parties to refer the following dispute to the arbitration of Shri A. Prabhakar Regional Labour Commissioner (Central) Hyderabad.

(i) Specific matter in dispute:

Alleged illegal retrenchment from services of
Sri S.D. Shabbir Hussain,
Ex-Casual Labour
w.e.f. 1-12-1988

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking	The Sub-Divisional Officer Telecom, Karimnagar (AP)
(iii) Name of the workman in case he himself is involved in the dispute or the name of the union, if any representing the workmen or workman in question.	Sri S.D. Shabbir Hussain C/o A. Rajamouli, Area Secy. Warangal Area, AITEU Line Staff & Group 'D', Karimnagar (A.P.)
(iv) Total number of workmen employed in the undertaking affected.	100
(v) Estimated number of workmen affected or likely to be affected by the dispute.	One

The Arbitrator shall make his award within a period of three months or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

On behalf of the management

On behalf of the Union

Sd/-

(M. Rajegopal Singh)
AE/Admn. O/o TDE)
Karimnagar for SDOT,
Karimnagar.

Sd/-

(A. Rajamouli)
Area Secretary,
AITEU, Line Staff & Group 'D',
Warangal Area, Karimnagar.

Witnesses

1. Sd/-

Sri. Y.S.R. Murthy,
UDC, O/o ALC(C), Mancherial

2. Sd/-

Sri T. Kumara Sena,
LDC O/o ALC(C),
Mancherial.

CONSENT OF THE ARBITRATOR

Sub. I.D. between the management of Telecom Department, Karimnagar and their workman Shri S.D. Shabbir Hussain ex-casual labour over alleged illegal termination of his services—Consent for Arbitration under Section 10-A—reg.

Ref. RLC(C) Hyderabad letter No. 6/24/95-BI dated 10-7-95.

Please refer to your letter cited above. I am willing to act as an Arbitrator in the dispute between Shri S.D. Shabbir Hussain (Workman) and SDOT, Karimnagar (Management).

Sd/-

A. Prabhakar
Dy. RLC(C) : Hyderabad
[No. L-40013/6/95—IR DU]
K.V.B. UNNY, Deak Officer

नई दिल्ली, 16 अगस्त, 1995

का. आ. 2426 श्रौद्धांगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रनुसरण में, केन्द्रीय सरकार नार्दन टेलवे, के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्धांगिक विवाद में केन्द्रीय सरकार श्रौद्धांगिक अधिकारण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-8-95 को प्राप्त हुआ था।

[संख्या एन-41012/125/89-आईआरबीप्राई]

क.वी.बी. उन्नी, बैस्क अधिकारी

New Delhi, the 16th August, 1995

S.O. 2426.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, and their workmen, which was received by the Central Government on the 16-8-1995.

[No. L-41012/125/83-IRBI]

K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
PANDU NAGAR, DEOKI PALACE
ROAD KANPUR

Industrial Dispute No. 199 of 1990

In the matter of dispute between
Assistant General Secretary,
Northern Railway Karamchari Union 39-II-J,
Multistoreyed Colony Charbagh Lucknow.

AND

Dy. Chief Signal & Telecommunication Engineer (Construction), Northern Railway, Hazaratganj, Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-41012/125/89-I.R.D.U. dated 17-9-90 has referred the following dispute for adjudication to this Tribunal:—

Whether the Dy. Chief Signal & Telecommunication Engineer (Construction), Northern Railway, Lucknow was justified in

not counting the past services of Sri Kotma Ram son of Sri Munna Lal while working in Moradabad Division and also not granting consequential benefits? If not, what relief the workman is entitled to?

2. The case of the concerned workman Kotma Ram is that earlier he was appointed as casual Mason under Assistant Signal Inspector (Construction) Northern Rly. Shahjahanpur in Moradabad Division from 1954 and remained there upto 3-7-1977. Thereafter he was transferred to Lucknow in the same Division and worked there from 5-7-77 till his retirement on 30-5-88. Further while determining his P.F. Gratuity and pension the opposite party railway has not counted his services which he had rendered at Shahjahanpur which is illegal.

3. Opposite party railway has filed its written statement in which it has been categorically denied that the concerned workman worked not at all at Shahjahanpur as alleged. In fact this signalling Division came into existence at Shahjahanpur in 1969. Hence the question of counting of service for this period does not arise.

4. In the rejoinder nothing new has been said.

5. The only question which falls for consideration is as to whether the concerned workman had worked at Shahjahanpur from 1954 upto 3-7-77. For this the concerned workman has filed his affidavit. Besides he has also filed certificates which are Annexure I and Annexure II alongwith his affidavit dated 10-6-1991.

6. The first annexure is a certificate of one ASI/C retired who has certified that the concerned workman had worked at Shahjahanpur. Similar certificate has been issued in annexure II to certify that the concerned workman had worked at Shahjahanpur from 1959 to 1979. I am not inclined to attach any importance to these two certificates as they came from officers who had retired. If any officer after his retirement issues any certificate it has no meaning as obviously it is not based on verification of record. Hence these certificates are to be discarded.

7. Kotma Ram in his cross examination has admitted that he was issued service card at Shahjahanpur which he has not filed. In my opinion, this would have been best evidence to prove his case. On the other hand the employer is not expected to give documentary evidence in negative. Hence in my opinion, for want of service card the case of the concerned workman regarding his rendering of service at Shahjahanpur should not be accepted.

8. Accordingly I do not accept his evidence. Consequently it is held that the action of the opposite party management in not counting the service

for the period he is alleged to have rendered at Shahjahanpur is justified and as such he is not entitled for any relief.

9. Reference is answered accordingly.

Dated,
9-8-1995.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 अगस्त, 1995

का.आ. 2427.—श्रीद्वयिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेतृत्वात् बैंक लि. के प्रबंध तंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीद्वयिक विवाद में केन्द्रीय सरकार श्रीद्वयिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-8-95 को को प्राप्त हुआ था।

[मंस्ताएल-12012/203/90-श्राईमारबीआई]
के.वी.बी.उन्नी, डैम्स अधिकारी

New Delhi, the 16th August, 1995

S.O. 2427.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Nainital Bank Ltd. and their workmen, which was received by the Central Government on the 16-8-95.

[No. L-12012/203/90-IRBI]

K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM-LABOUR COURT PANDU NAGAR DEOKI PALACE ROAD, KANPUR

Industrial Dispute No. 209 of 1990

In the matter of dispute between

General Secretary,
Nainital Bank Staff Association,
C/o Nainital Bank Limited,
Court Road, Mujjafar Nagar.

And

General Manager,
Nainital Bank Limited.
Head Office G. B. Pant Road,
Nainital.

AWARD

1. Central Government, Ministry of Labour, vide its Notification No. L-12012/203/90-I.R. (B-3) dated 9-10-90 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Nainital Bank Limited in issuing instructions to recover Hill and Fuel allowance from the workmen employed at Bageshwar Branch for the period from January, 1985 to October 1987 is justified? If not, to what relief the workmen are entitled to?

2. The Union in their written statement has alleged that in pursuance of bipartite settlement, the employees of the management of Nainital Bank Limited were getting Hill & Fuel allowance was paid from January, 1985 to October 1987. Later on the management Bank has passed an illegal order for its recovery.

3. The opposite party management has filed its written statement, in which nothing has been said about the entitlement of the concerned workmen for fuel and Hill allowance. Instead it is alleged that if there is any difficulty or doubt according to terms of bipartite settlement this dispute should have been referred to Indian Bank Association and All India Banks Employees Association.

4. Nothing fresh has been said in the rejoinder. Both the parties have failed to adduce any evidence inspite of repeated opportunities. They have also not put in appearance to argue the matter. Still from the papers, the matter can be conveniently decided.

5. There is copy of bipartite settlement dated 15-16-4-80 relevant para of which goes as under—

Parties agree that hill and fuel allowance will be paid at Dehradun in view of Government Notification No. O.M. 11021/1/76-E.II(B) dated the 22nd March, 1979.

In cases where hill and fuel allowance is payable to Government employees by a notification similar to the one issued in respect of Dehradun, hill and fuel allowance will be payable under the Bipartite Settlement dated 31st October, 1973.

Demands in respect of places declared as hilly tract areas are to be considered separately.

According to the above settlement hill and fuel allowance will be payable for the places

where government is paying the same to its employees. The dispute relates to Bageshwar Branch which is in district Almorah. There is Government order No. 16-10/28-4/82-5(2) dated 29-4-82, which inter alia, has allowed fuel and hill allowance to all places of District Almorah as well. Since Bageshwar is part of Almorah in view of above notification it will be deemed that government employees at Bageshwar are getting fuel and hill allowance. Consequently in terms of above mentioned bipartite settlement, the employees of Nainital Bank Ltd., working in Bageshwar Branch District Almorah will also be entitled for fuel and hill allowance. As such it was rightly paid to them.

6. Consequently the action of the management bank in ordering for recovery of fuel and hill allowance for the period January 1985 to October 1987 is not justified.

7. Thus, my answer to the reference is in the negative and it is ordered that the management bank shall not recover hill and fuel allowance which they have paid for the above mentioned period.

8. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 अगस्त, 1995

का.आ. 2428—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल रेलवे के प्रबंधतंत्र के सम्बद्ध नियोजकों आंग उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार श्रीद्योगिक अधिकरण कानपुर, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-8-95 को प्राप्त हुआ था।

[संख्या ए.आ. 41011/3/90—पाईपर रेलवे प्राई]
के.वी.वी. उन्नी, डैम्फ अधिकारी

New Delhi, the 16th August, 1995

S.O. 2428.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway and their workmen, which was received by the Central Government on the 16-8-95.

[No. L-41011/3/90-IRBI]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR KANPUR

Industrial Dispute No. 252/90

In the matter of dispute between :

President, Rashtriya Chaturth Shreni Rail Mazdoor Congress 2/236 Namneir Agra.

AND

Senior D.E.N.
Central Railway
Jhansi.

AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-41011/3/90-I.R.D.U. dated 24-10-90 has referred the following dispute for adjudication to this Tribunal:—

Whether the D.R.M. Central Railway, Jhansi and Sr. D.E.N. Jhansi, were justified in not granting equal pay for equal work to Sri Raghuvir Singh, Kallan Khan, Kailash Chand Ashok Kumar and Man Singh being worked as Pump Operators and also terminating the services of Sri Nek Ram and Salig Ram w.e.f. 5-4-89? If not what relief the workmen were entitled to ?

2. In this reference there are two sets of concerned workmen. The first set comprises of Raghuvir Singh, Kallan Khan, Kailash Chand, Ashok Kumar and Man Singh. The other set comprises of Nek Ram and Salig Ram.

3. The case of the first set of concerned workmen is that they were promoted to the post of Pump Operator from the dates mentioned against them as under:—

Raghvir Singh 26-10-84 to 19-10-90.

Man Singh 22-12-84 to 1-9-10-90.

Kallan Khan 17-5-85 to 19-10-90.

Kailash Chand 1-2-86 to 19-10-90.

Ashok Kumar 19-2-86 to Oct. 1989.

and they were illegally reverted to the post of Gangman from the post of Pump Operator, when they made a demand of equal pay for equal work. As during this period they had performed the job of Pump Operator they were entitled to pay of pump operator which were not paid to them, hence they are entitled to difference of wages between pump operator and gangman.

4. The case of other set of concerned workmen Nek Ram and Salig Ram is that they were dismissed from services on 5-4-89 on the ground that their service card was fake. It is denied that their service card were fake. Instead they were genuine. Hence, their services could not be terminated on this ground.

5. The management has filed written statement. It has been alleged that railway administration is not an industry; that no appeal lies before this Tribunal against the orders passed by the railway officers and that the claim is barred by Section 14 of Administrative Tribunals Act, 1985, because the claim relates to service matter which is expressly provided in section 14(b) of the Admn. Tribunals Act, 1985.

6. In the first place it will be seen if the concerned workmen had worked at the post of Pump Operator for the period as alleged in the first part of this award. It may be noted that the concerned workmen have specifically alleged that they have worked as pump operator for the period mentioned in para 3 of this award. This fact has not been specifically denied by the railway. Hence in view of Order 8 Rule 5 C.P.C. this will be taken as correct. Apart from this there is unrebutted evidence of Kallan Khan, in this regard. Hence relying upon this evidence, it is held that the concerned workmen had worked as pump operators for the periods as mentioned in para 3 of this award and as such on the principles of equal pay for equal work they are entitled for wages of a pump operator for the said period.

7. As regards the second set of concerned workmen Nek Ram and Saligram are concerned, once again this fact has been specifically alleged in the claim petition that their service cards were not fake. There is no specific denial. Hence in view of order 8 rule 5 it shall be taken as correct. Apart from it there is uncontroverted affidavit of Kallan Khan on record. Further is no evidence in rebuttal from the side of the employer. Hence, relying upon the evidence of concerned workmen, it is held that the service cards of Nek Ram and Saligram were not fake as such their services cannot be terminated on this score. Accordingly, the termination of their service is not justified.

8. As such my answer to the first part of the reference order is in negative and as such the workmen of first set will be entitled for different of wages for the period they have worked as pump operator, while the workmen of second set will be entitled reinstatement with back wages.

9. Reference is answered accordingly.
Dt. 4-8-1995.

B. K. SRIVASTAVA, Presiding Officer
2106 GU/95-6.

नई दिल्ली, 16 प्रगस्त, 1995

का.या. 2429-ओद्योगिक निकाश अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार एवं श्राई. सी.आफ. इंडिया के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के दोष, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में, केन्द्रीय सरकार ओद्योगिक अधिकार्य कानपुर के पंचायत को प्रकाशित करती है, जो बेन्द्रीय सरकार को 14-8-95 को प्राप्त हुआ था।

[संख्या एल-17012/04/88-डी आई बी/आई.आर.बी-2]

बृज नोहन, डेस्क अधिकारी

New Delhi, the 16th August, 1995

S.O. 2429.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Industrial Dispute between the employers in relation to the management of LIC of India and their workmen, which was received by the Central Government on 14-8-95.

[No. L-17012/04/88 DIB/IR(B-ID)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT PANDU

NAGAR DEOKI PALACE ROAD
KANPUR

Industrial Dispute No. 3 of 1989
In the matter of dispute between
General Secretary

Kanpur Divisional Insurance Employees
Union

128-E/136 Kidwai Nagar
Kanpur.

AND

Senior Branch Manager

Life Insurance Corporation of India

Career Agents Branch

Thaper House Birhana Road
Kanpur.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-17012/4/88-D.I(B) dated 30-12-89 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of LIC of India in terminating the services

of Sri Sushil Kumar Bajpai w.e.f. 31-7-86 is justified? If not, to what relief the workman concerned is entitled?

2. Earlier in this case date of termination was mentioned as 1-7-88. Later on by issuance of corrigendum in the reference order it has been stated to be 31-7-86. The case of the concerned workman Sushil Kumar Bajpai is that he was appointed as peon in the opposite party Life Insurance Corporation of India, Thaper House Birhana Road, Kanpur at the rate of Rs. 15 per day on 24-10-85. He continuously worked upto 31-7-86. Thereafter no work was taken from him which accounts to retrenchment. In doing so the management has flouted the provisions of Labour Laws. Specific provisions which is said to have been flouted has not been mentioned.

3. The opposite party has also filed reply alleging that the concerned workman had worked from 24-10-85 to 20-2-86 for 98 days thereafter he did not work. Hence section 25F I.D. Act is not applicable. Further he was a daily rated employee.

4. In support of his case the concerned workman has relied upon the copy of muster roll as well as his evidence.

5. In rebuttal the management has relied upon the letter Ext. M-1 and the evidence of Roshan Lal.

6. The only point which needs consideration is as to whether the concerned workman has continuously worked from 24-10-85 to 31-7-86. Sushil Kumar has stated that he had continuously worked during this period. In his cross examination he has denied that he has worked as casual worker. He used to do whatever work was asked to him as peon. He did not get any appointment letter. He is not in possession of original of muster roll which he has filed before the Tribunal. Roshan Lal the witness of the management has stated that the concerned workman was daily rated employee. He had worked only for 98 days which is evident from Ext. M-1. In his cross examination he has pleaded his ignorance about the fact that the concerned workman had worked or not after 20-2-86. He does not know if the concerned workman has worked upto 31-7-86 or not. As regards extracts of muster roll Ext. W-1 I am not inclined to rely on it as its original is not in possession of the concerned workman. Further it is not borne out from the record as to from where and how the concerned workman got hold of this muster roll. Further the witness of the management has denied that any such muster roll was maintained at all. I am also not inclined to rely upon Ext. M-1 which is the letter dated 20-7-89 by which the concerned workman has complained the Di-

sional Manager Kanpur that full wages w.e.f. 24-10-85 to 20-2-86 has not been paid and that wages for holidays and sundays have been excluded. He has further added that similarly for the period 21-2-86 to 20-2-86 he has not been paid wages for sundays and other holidays. The authorised representative for the management on the basis of the above averments in Ext. M-1 has alleged that it is the admission of the concerned workman that he has worked upto 20-2-86. This contention is without force as it is based on misreading of the letter. The contents of this letter do not mean that the concerned workman has worked only from 24-2-85 to 20-2-86 as he has proceeded to add that he had worked to 30-6-86, hence this letter does not amount to admission, adversely affecting the case of the concerned workman. In my opinion this letter lends support to the version of the concerned workman that he had worked atleast upto 30-6-86, continuously. It appears to me that the management has deducted sundays and gazetted holidays while calculating the number of days. This deduction at the most would amount to artificial breaks and as such will be counted for the purposes of section 25F Industrial Disputes Act, in calculating continuous service.

6. In the end as the evident of concerned workman is positive whereas the evidence of Roshan Lal is half hearted and not based on personal knowledge, I accept the evidence of the concerned workman and hold that he has continuously worked from 24-10-85 to 31-7-86 and in this way he has rendered services for more than 240 days in a calender year. Consequently the provisions of section 25F of the Industrial Disputes Act, 1947, were breached in as much as retrenchment compensation and notice pay was not paid to him. Hence his termination is illegal. It is held accordingly.

7. Hence my answer to the first part of the reference is in the negative and in favour of the concerned workman. The concerned workman will be entitled for reinstatement. However, he will get back wages from the date of reference because of delay in making of reference. Workman shall also get Rs. 100 as costs of the case from the management/employer.

8. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 अगस्त, 1995

कान्ता. 2430 — अधिकारीक विवाद अधिनियम, 1947 (1947 का 14) भाग 17 के अन्तर्गत में,

केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुवंश में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकारण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-8-95 को प्राप्त हुआ था।

[संख्या एल-12012/172/88/डो IIए/ग्राइ.प्रारबी. 2]

बूज मोहन, डैस्ट्रिक्ट अधिकारी

New Delhi, the 16th August, 1995

S.O. 2430.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workmen, which was received by the Central Government on 14-8-1995.

[No. L-12012/172/88-D. II A/IA(B-II)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, DEOKI PALACE ROAD, KANPUR

Industrial Dispute No. 160 of 1988

In the matter of dispute between :

Hari Shanker,
C/o Marmangal Prasad,
36/1 Kailash Mandir,
Kanpur.
Mahendra Kumar,
S/o Dhamdaru,
Golghar Surdilpur,
Gorakhpur.

AND

Regional Manager,
Union Bank of India,
117-H-1-240 Pandu Nagar,
Kanpur.

AWARD

1. Central Government, Ministry of Labour, vide its Notification No. L-12012/172/88-D. 2(A) dated 24-11-1988, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Union Bank of India in terminating the services of Sri Hari Shanker and Mahendra Kumar and not considering them for further employment while recruiting fresh hands under Section 25H

of the I. D. Act is justified ? If not, to what relief are the concerned workmen entitled ?

2. As the cause of action of both the concerned workmen Hari Shanker and Mahendra Kumar is distinct, both of them have filed separate written statement.

3. Hari Shanker in his written statement has alleged that he was appointed as a peon on 4-7-83, in Birhana Road Branch of the opposite party Union Bank of India. He worked there upto 2-10-83, thereafter his services were terminated. After his termination fresh hands like Gaurav, Banerjee, Prem Kishore Shiv Shyam Pathak etc., were appointed but he was not given opportunity. Hence he is entitled for employment u/s 25H of the Industrial Disputes Act, 1947.

4. Mahendra Kumar in his written statement with the aid of schedule has alleged that he has worked from 1-1-78 upto 20-10-85 on different period in Gorakhpur Branch. Some times he worked in Cash Department, sometimes as peon and sometimes as sweeper. Yet he has not been regularised and provided with work. Instead he has been sacked.

5. Opposite party has filed two separate written statements. With regard to Hari Shanker. It is alleged that he was never in the employment. Instead Theka was given to him to supply drinking water and in his said capacity he used to supply drinking water to the employee.

6. As regards Mahendra Kumar it is denied that he had worked as shown in the schedule attached in the written statement.

7. Thereafter Mahendra Kumar also filed his affidavit. Since then both the workmen remained absent. Hari Shanker did not give any evidence whereas Mahendra Kumar did not submit himself for cross examination. Hence his affidavit has to be ignored. In this way there was no evidence on the part of these two workmen to substantiate their claim.

8. Hence I answer the reference against both the workmen and held that the action of the management bank was justified. Consequently the concerned workmen are not entitled for any relief.

9. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 अगस्त, 1995

का.प्रा. 2431.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसारण में केन्द्रीय सरकार भौ. भारत कोंकिंग कोल लि. को कुमुग्डा कोनिंग के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों

बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकारण, (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-8-95 को प्राप्त हुआ था।

[संख्या एल-20012/262/90-आईआर (कोल-1)]
ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 16th August, 1995

S.O. 2431.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kusunda Colliery of M/s BCCL and their workmen, which was received by the Central Government on 14-8-95.

[No. L-20012/262/90-IR(Coal-I)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer.

In the matter of an Industrial Dispute under
Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 10 of 1991

PARTIES :

Employers in relation to the management of
Kusunda Colliery of M/s. B.C.C.L. and
their workmen.

APPEARANCES :

On behalf of the workman : Shri S. P. Singh,
General Secretary, Khan Mazdoor Congress.

On behalf of the employers : Shri B. Joshi,
Advocate.

STATE : Bihar. INDUSTRY : Coal.
Dated, Dhanbad, the 2nd August 1995.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (262) 90-I. R.(Coal-I), dated the 11th December, 1990.

SCHEDULE

"Whether the Management of Kusunda Colliery in Area No. VI BCCL is justified in terminating the services of Shri Dwarika Bhuia Wagon Loader w.e.f. 2-5-85 ? If not, to what relief the said workman is entitled ?"

2. For adjudication of the said reference I am to see the W. S.-cum-rejoinder filed by the parties along with available evidence on record.

3. The only point for determination in the present reference is whether the order of termination of Dwarika Bhuja, Wagon Loader w.e.f. 27-5-85 is justified and if not what relief is to be awarded to him.

4. The case of the workman as it appears from his W.S. is that he was a workman of Kusunda Colliery of Area No. VI under the present management as Wagon Loader and the said job was of permanent nature. As per office order No. AS/PA(Transfer)KC/84/3156 dt. 18-7-84 wagon loaders of Kusunda Colliery were transferred to Dhanbad K.O.C.P. Thereafter again under Office Order No. KC/PO/PS/85/1078 dt. 3-6-85 issued for transfer of some workmen to Kusunda Colliery as before. It is stated further that Personnel Officer of the said colliery after some months sent a message to the concerned workman through Depot Supervisor to meet him and as and when he met the Personnel Officer he was stopped from work though no enquiry was made but alleging that an enquiry is going to be made and giving assurance that he would be allowed to resume his duties on completion of enquiry. However, no employment was given to him again inspite of such assurance and as a result he made a representation on 27-3-87 and as no result was obtained the matter was referred to the ALC(C) Dhanbad in writing and then on discussion the matter ended in settlement on 19-1-89 and it was settled that the dispute of the concerned workman was referred to the Joint Committee with the General Secretary of the Union and Shri S. N. Mishra, Dy. Chief Personnel Manager (IR) of M/s. BCCL. But unfortunately inspite of several appreens and attempt from the end of the union Shri S. N. Mishra did not find time to sit together for settlement pursuant to the compromise took place before the ALC(C) and for the same several representations dt. 3-13-89, 5-4-89, 24-5-89, 12-6-89 and 18-7-89 were submitted and two days for discussion were also fixed but Shri Mishra remained himself absent. Accordingly practically they ignored the settlement and again action was raised before the ALC(C) and date was fixed on four occasions in the year 1990 in the month of March, April, May and June but the mana-

gement afiled to show any courtesy to the settlement. So this workman claims for reinstatement with back wages and other reliefs which were permissible under law.

3. In the W. S.-cum-rejoinder the management had stated that the concerned workman was a casual wagon loader in the year 1984 and he was transferred to Dhansar as stated from Kusunda Colliery and he was absolutely a casual wagon loader engaged relating to the work of loading in the Railway wagon as and when required and it is stated further that there was surplus staff as casual wagon loader who completed 240 days attendance in a calendar year were made permanent. However to accommodate the surplus workers the said transfer as stated by the workman was made but the concerned workman did not join as per transfer order and after several years he raised the dispute though in the meantime for some period he was allowed to work in Kusunda colliery as work was available at that time and after such long lapse of time he had no right to raise the dispute again rather he relinquished is and is not entitled to get any relief as sought for.

4. In the rejoinder it was stated that he was never a permanent workman nor he was engaged in permanent nature of work but the work to which he was attached to was of casual nature and that was not permanent job but it was a job of casual type. However, 23 casual wagon loaders of Kusunda colliery where this workman was also employed were transferred to Dhansar but he did not join. However, thereafter he was allowed to work in Kusunda colliery and at present as there is no such work and the staff strength is surplus he cannot be absorbed.

5. In the rejoinder the workman has denied the allegation of the employer and it is stated that within this period some workers were absorbed as against permanent job and his claim was refused illegally.

6. In support of the respective cases both the parties have adduced their evidence, and exhibited documents.

7. From the side of the management one Nijamuddin, MW-1 has been examined and he proved Ext. M-1 which is the transferred order from Kusunda Colliery to Dhanbad Colliery, Ext. M12 is the photo copy of office order dt. 24-7-84, (the release order). He has also proved another office order dt. 7-11-84 relating to the transfer of casual wagon loader to Godhur Colliery marked Ext. M-3. Furthermore he has proved Ext. M-4 which is also an office order and Form B Register Ext. M-5. From the side of the workmen the concerned workman had been examined alone. Let state the oral evidence of the parties adduced in this reference. MW-1

Nijamuddin had stated that he is employed in Kusunda Colliery since 1966 and as a clerk of P.F. since 1975. He has deposed that he is in know of the concerned workman Dwarka Bhuria who worked as casual wagon loader. According to him he was entrusted with the loading work in the railway siding to remove permanent pending work. He had stated further that in the year 1984 a number of casual wagon loaders increased and for such surplus they were transferred to different colliery and by an office order dt. 18-7-84 23 casual wagon loaders from Kusunda Colliery were transferred to Dhansar K.O.C.P. in which the name of this workman appears and the same has been exhibited and also the report for duty to Dy. C.M.E. has been marked as Ext. M-2. It is in his evidence that the persons named in the release order refused to join there and again an office order dt. 7-11-84 were issued marked Ext. M-3 and thereupon a release order was issued on 9-11-84 marked Ext. M-4. In the said order the said order the name of the concerned workman appears. However, all other workman joined pursuant to the said order but the concerned workman did not and since then he is not working in Kusunda Colliery. The name of the concerned workman appears in Form B Register bearing Sl. No. 2071 marked Ext. M-5. However, he has stated that no action has been taken from the side of the management as it is not necessary under the act in case of casual wagon loader. In cross-examination he had deposed that his work is of verification nature about the work of the wagon loader and he submits report to the colliery. He has denied that this workman was engaged by the management in Kusunda Colliery subsequently suo moto but he left the job. He has proved the photo copy of the office order dt. 3-6-85 marked Ext. W-1. He has admitted in cross-examination that a workman working for 240 days of work in a calendar is considered as permanent workman. However he had denied that this concerned workman completed such 240 days.

8. The concerned workman Dwarka Bhuria had deposed that he worked in BCCL for 15 years ago and at the time of appointment he was issued with identity card marked Ext. W-15. He has admitted the order of transfer and according to him he used to get journey fare to his village once in a year as per rules and annual bonus. Inspite of that he was stoppted illegally by Labour Officer. He had denied that he was absent from his duty at any point of time but he failed to show any paper that he was stopped by the management from work though he had deposited that he had papers.

9. However, in the instant case from the documents filed it is clear tha the concerned work-

man was an employee of BCCL as it appears in Form B Register marked Ext. M-4 and in Col. 12 it is noted that he was transferred to Kusunda colliery on 18-11-83.

10. In the instant case it is also not disputed that the name of this concerned workman appears as casual wagon loaders and the same is admitted fact and he was transferred to Dhansar Open Cast Project upon existed terms and conditions of service which have been exhibited both by the management and the workmen.

11. No doubt in the instant case there is nothing on record that the concerned workman did not join at Dhansar and those document are available with management. The reason best known to them those have been withheld. On the other hand it is admitted position that before stopping the concerned workman from work in the year 1985 he was stopped from the work without enquiry nor giving any notice or notice pay.

12. It can be well presume that his services was of permanent nature and that was so concerned and for the same due to surplus of the staff of the nature they were distributed to different collieries for absorption in the service as he was transferred to Dhansar finally along with other workmen.

13. It is also not disputed that a dispute was raised by the concerned workman through union when he was illegally stopped from the work in course of his work without observing the formalities and there was an argument before the ALC(C) for the settlement and the said photo copy of the terms of the settlement has been marked Ext. W-6.

14. It is in evidence of workman both orally and documentary marked as Ext. W-7, W-8 and W-9, W-12 and W-11, that union tried to Sit as per settlement but failed. It also appears from Ext. W-12 and W-13 Mr. Mishra fixcd up the dates for meeting but unfortunately no meeting took place, as he did not turn up.

15. It is in the W. S. of the workmen that the management aided to comply with the terms of settlement. The same has not been denied by the management in their W. S. and thereby it can be well presumed that the said fact remains unchallenged.

16. I think that from the side of the management this type of attitute cannot be encouraged and as the concerned workman is a wagon loader he should not be treated as a man praying mercy from the management posing themselves to be the Lord. Rather it is the legitimate right

of the workmen to press their demand before the management and the management is under obligation to concede to their prayer subject to their right to refuse if these are not entertainable under the law. But if the management avoids the terms of settlement which took place before the competent authority like the ALC(S) it is a burning example from the side of the management what attitude they possess about the workman. It is for the note of the high officials of the management of BCCL that BCCL is a concern and the said high officials are also the employees under BCCL like a wagon loader though having higher rank and higher pay package. They should not be forgetful that they are also guided by the rules prevalent in BCCL as regards employees though they stand in some privileged position. It is further for the note of the management that Shri S. N. Mishra, General Manager (IR), BCCL being a responsible officer should not have done such type of behaviour with the union who was fighting for the case of the poor worker specially when there was a settlement between the management and union before the competent authority, ALC(C) and hc should be cautioned from the side of the management not to behave in this manner and not to take law in his own hand if he remains in service till now. Rather his attitude should be sympathetic to the workers who are eligible for the reliefs as hand and harsh he would be to unruly workers for maintaining the proper discipline.

17. In view of the aforesaid fact I cannot say but that the concerned workman was a workman under the Certified Standing Orders to the BCCL vide S.O. 7.00 and thereafter relying the definition of workman it is observed that he is entitled to get reliefs within the ambit of I.D. Act.

18. It has been claimed by the concerned workman that he completed the work of 240 days but the same has been denied by the management. It is needless to say that before the management there are papers wherfrom they can show how many days the said workmen worked in the colliery but the exhaustive material have not been filed. As admittedly this workman is working in the colliery for pretty long time and this withhold of documents itself forces to accept the version of the workman that he completed 240 days work and his services was more or less a continuous and his work was of permanent nature.

19. It is not denied that he was not served with any notice nor it is in evidence that there was no permanent vacancy rather it is in the W.S of the concerned workman that in the

meantime many workers were absorbed in the permanent vacancy which were not denied by the management in their W. S. It is in evidence that the concerned workman was paid with fare for his journey in order to visit his home and he was paid annual bonus. Considering the aforesaid facts and in absence of any cogent materials from the side of the management specially the hyc-handed attitude of the management by non-complying with the terms of settlement this Tribunal holds that reference should be disposed off in favour of the workmen in the following terms.

It is held that the management of Kusunda Colliery Area No. VI, BCCI is not justified in terminating the services of Shri Dearth Bhuria, Wagon Loader with effect from 27-5-85. The Management is directed to reinstate the concerned workman in the post where he was with terms & conditions available at present within three months from the date of publication of the Award. However, no back wages is awarded.

This is my Award.

D. K. NAYAK, Presiding Officer.

नई दिल्ली, 16 अगस्त 1995

का.आ. 2432.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैं भारत कोर्किंग कोल न्यू. के सी.वी. थोने सं.-12 के प्रबंधतंत्र के संबद्ध नियोजन और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में, केन्द्रीय सरकार श्रौद्धोगिक अधिकारण, (सं. 1), धनवाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-8-95 को प्राप्त हुआ था।

[संख्या-एल-20012/32/93-आईआर (कोल-I)]
ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 16th August, 1995

S.O. 2432.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. I), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.V. Area No.-XII of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 14-8-95.

[No. L-20012/32/93-IR(Coal-I)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under sec. 10(1)-(d)(2-A) of the Industrial Disputes Act, 1947.

Reference No 38 of 1994

PARTIES :

Employers in relation to the management of C.V. Area No. XII of M/s. B.C.C.Ltd.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers—Shri B. Joshi Advocate.
For the Workmen—None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 4th August, 1995

AWARD

By Order No. L-20012/32/93-IR. (Coal-I) dated 24-2-94 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of M/s. B.C.C.L. Area No. XII in not providing employment to Shri Baburam Majhi, son-in-law of late Mohan Majhi, Timber Mazdoor of Basantimata Colliery under Clause 9-4-2 of N.C.W.A. IV is justified? If not, what relief the dependent of late Mohan Majhi entitled to ?”

2. The order of reference was received in this Tribunal on 7-3-1994. Thereafter notice was sent to the sponsoring Union to file written statement on behalf of the workmen.

3. On 28-4-95 Sri S. Bose, Secretary of the sponsoring Union appeared and submitted that he would inform the concerned official to file written statement positively by the next date. Even on 2-8-95 no written statement had been filed on behalf of the workmen.

4. It, therefore, appears that neither the sponsoring Union nor the concerned workman is interested in prosecuting the case.

5. Under such circumstances, I render a ‘no dispute’ award in the present reference.

P. K. SINHA, Presiding Officer

नई दिल्ली, 21 अगस्त, 1995

का.आ. 2433.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मद्रास टैनीफोन, मद्रास के प्रबंधनतंत्र के संबंध

नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-8-95 को प्राप्त हुआ था।

[संख्या एल-40012/117/91-आईआर. (डी. यू.)]
के. बी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 21st August, 1995

S.O. 2433.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Madras as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Madras Telephones, Madras and their workmen, which was received by the Central Government on 21-8-95.

[No. L-40012/117/91-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL. TAMIL NADU MADRAS

Monday, the 31st day of July, 1995

PRESENT :

Thiru N. Subramanian, B.A.B.L., Industrial Tribunal.

Industrial Dispute No. 74/1991

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Telephones, Madras).

BETWEEN

Shri S. Selvam,
S/o. Shri M. Srinivasan,
44, Pajanaikoi Street,
Koyembedu, Madras-107.

AND

The Chief General Manager,
Madras Telephones,
78, Purssawalkam High Road,
Madras-600 010.

REFERENCE:

Order No. L-04412/11/01-IR(DU) dated
7-11-91, Ministry of Labour, Govt. of
India, New Delhi.

This dispute coming on this day for final disposal upon perusing the reference, claim and counter statements and other connected papers on

record and both parties being absent, this Tribunal passed the following

AWARD

This reference has been made for adjudication of the following issue :

“Whether the termination of the services of Shri S. Selvam by the Management of Madras Telephones is justified? If not, to what relief he is entitled to?”

No. representation for both. Both the petitioner and respondent called absent, for the second time. Hence I.D. is dismissed for default. No costs.

Dated, this the 31st day of July, 1995.

THIRU N. SUBRAMANIAN, Industrial Tribunal

नई दिल्ली, 22 अगस्त, 1995

का.आ. 2434.—आद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आर. के प्रबंधनसंघ के संवद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-8-95 को प्राप्त हुआ।

[सं. एल-22012/321/94-आईआर. (सी-II)]
राजा लाल, डेस्क अधिकारी

New Delhi, the 22nd August, 1995

S.O. 2434.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of F.C.I and their workmen, which was received by the Central Government on the 16th August, 1995.

[No. L-22012/321/94 IR-C III]
RAJA LAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 1 of 1995

PARTIES :

Employers in relation to the Management of F.C.I.

And
Their Workmen.

PRESENT :

Mr. Justice K.C. Jagadeb Roy.—Presiding Officer.

APPEARANCES :

On behalf of Management—Mr. A. Roy, Advocate.

On behalf of Workmen.—None.

STATE : WEST Bengal INDUSTRY : Food Corpns.

AWARD

By Order No. L-22012(321) 94-IRC II dated 3-1-1995, the Central Government in exercise of its powers under section 10(1)(d) and sub-section (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of management of F.C.I., Eastern Zone, Calcutta in issuing transfer order dated 6-8-92 to Shri Mathura Singh, Asstt. Gr. I. (Hindi) from Zonal Hindi Cell to Joint Manager (Operations), and to release him on 9-5-94 i.e. after expiry of above 2 yrs. is valid and justified? If not, to what relief is the employee entitled to?"

2. After the reference was received by this Tribunal, notices had been issued to the parties fixing 6-4-1995 for first hearing and requiring the workmen to file their written statement within the time mentioned in the notice.

3. The Zonal Secretary (East) of the Food Corpns. of India Employees Union addressed a letter to the Secretary of this Tribunal dated 15-3-1995 which had been received by the Tribunal on 27-3-1995 and placed before the Tribunal on 6-4-1995, indicating therein that the workman concerned Sri Mathura Singh had filed a Writ Petition in the City Civil Court bearing No. 377 of 1994 asking for his relief, which is also the subject matter of the present reference and any contrary Award by this Tribunal would be against the law and would add multiplicity of proceeding in two places. As such, a prayer was made to withdraw the proceeding on behalf of the workman. Since this was received by post, the case was ordered to be posted to 2-5-1995 for hearing the workmen on this contention, but nobody appeared on that date, though management was represented by their learned counsel.

4. Subsequently thereafter, the case was again listed and the case was fixed for evidence

on behalf of the workmen on 21-6-1995, failing which it was ordered that necessary orders would be passed. The case was again adjourned to 26-7-1995 but none appeared for the workmen to represent their case and to lead evidence. No step has also been taken by the workmen till that date for filing the letter of authority in favour of any one.

5. I am therefore, of the view that the workmen have bona fide given up their claim before this Tribunal in this reference case as was mentioned by their letter to this Tribunal dated 15-3-1995. Since it is not possible to adjudicate upon any demand without any evidence on record I, pass the "No Dispute" Award.

The reference is accordingly disposed of.

Dated, Calcutta the
28th July, 1995.

K. C. JAGADEB, ROY, Presiding Officer

नई विल्ली, 22 अगस्त, 1995

का.आ. 2435.—श्रीदेवीगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार एफ.सी.आई. के प्रबंधतात्त्व के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीदेवीगिक विवाद में केन्द्रीय सरकार श्रीदेवीगिक प्रधिकारण, कानपुर के पचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-8-95 को प्राप्त हुआ था।

[सं. एफ-22012/322/एफ/89-प्राईवेट (सी.II)]
राजा लाल, डैस्क प्रधिकारी

New Delhi, the 22nd August, 1995

S.O. 2435.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of FCI and their workmen, which was received by the Central Government on the 21-8-95.

[No. L-22012/322/F/89 IR II]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE SRI D. K. SRIVASTAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL - CUM - LABOUR COURT PANDU NAGAR, DEOKI PALACE ROAD, KANPUR

Industrial Dispute No. 116 of 1990

In the matter of dispute between:—

State Secretary Bhartiya Khadya Nigam Karamchari Sangh Janki Bhawan 41317 Narhi Lucknow.

AND

Senior Regional Manager,
Food Corporation of India,
Habibulla Estate Lucknow.

AWARD

1. Central Government Ministry of Labour, vide its notification no. L-22012/322/F/89 I.R. (Coal.II) dated 4-9-90 has referred the following dispute for adjudication to this Tribunal:—

Whether the action of the Senior Regional Manager Food Corporation of India Lucknow in imposing penalty of stoppage of one increment for the year 1987 with commulative effect and also not giving due promotion from Technical Assistant Gr. III to Grade II and Grade II to Grade I from the year 1980 and 1984 respectively in respect of Chhotey Lal was justified ? If not, to what relief the workman concerned is entitled ?

2. The instant reference comprises of two parts. The first part relates to punishment inflicted upon the concerned workman Chhotey Lal on the basis of enquiry. The other part relates to withholding of his two promotions. The facts relating to first part of the reference are as under:—

The concerned workman Chhotey Lal was appointed as Technical Assistant Grade III on 1-4-78. On 22-8-81 he was served with the following charge sheet:—

Article I

Shri Chhotey Lal, Technical Assistant Grade-III was ordered vide District Manager order No. A/8(2)/10238 dt. 15-12-80 for taking delivery of rice from State Govt. after analysing the offered stocks as per specification laid down by authorities from time to time. While working at RSD, Shahjahanpur centre of Food Corporation of India during the period Dec. 80 and Jan. 81, Shri Chhotey Lal failed to maintain absolute integrity and devotion to duty in as much as he in connivance with other Food Corporation of India staff accepted BRL rice from the State Govt. in utter disregard to the standing instructions/specifications. This is evident from Annexure II(A). Shri Chhotey Lal accepted the BRL rice with ulterior motives and personal gains,

thereby causing financial loss to FCI and thus contravened sections 31 & 32 of Food Corporation of India (Staff) Regulation, 1971.

Article II

During the visit of Regional Inspection Squad Shri Chhotey Lal absented himself from duty for which his explanation was called for. It was in his knowledge that Regional Inspection Squad had already started inspection of the stocks and likely to inspect the stocks accepted by Shri Chhotey Lal. He deliberately avoided associating with the Inspection Squad with ulterior motives.

Shri Chhotey Lal, TA III this contravened Regulation 31 & 32 of Food Corporation of India (Staff) Regulations, 1971.

P.C. Bhasin Joint Manager, Enquiry was appointed Enquiry Officer. Before the Enquiry Officer, Joint Manager, Vigilence, M.P. Saxena, and one B. N. Tarafdar were examined as witnesses. It is not revealed from record if the concerned workman had adduced any evidence in defence or not. During the course of evidence B. N. Tarafdar, had conceded before the enquiry officer that concerned workman was not responsible for the misconduct. Instead it was Area Manager, Q.C. who was responsible for it. He also held that charge no. 2 was not proved. The disciplinary authority did not agree with this report. Consequently in exercise of powers under Regulation 52 (2) of FCI Staff Regulation 1971, it disagreed with the report and held that the concerned workman was responsible. Accordingly, he imposed the punishment as mentioned in the reference order. It is also borne out that on 18-4-80 a seniority list was circulated in which Technical Assistants Grade III were promoted to the post of Technical Assistant Grade II, but the concerned workman was not promoted. Instead juniors were promoted to T.A. Gr.II. Similarly w.e.f. 22-9-83, juniors to concerned workman were promoted to Technical Assistant Gr. I.

3. In his claim statement the concerned workman has challenged the validity of enquiry report in a variety of ways such as chargesheet being bad in law, and that the punishing authority was not competent to do so etc. It was also alleged that the disciplinary authority has wrongly exercised his powers under Regulation 59 of FCI Staff Regulation 1971. It was also alleged that as no case was pending the employer had erred in not giving promotion to the concerned workman w.e.f. 31-12-79 to the post of T.A. Gr.II and to the post of T.A. Gr. I w.e.f. 22-9-83.

4. The employers have filed written statement in which they have denied that enquiry was not properly held. It has also been denied that the disciplinary authority has not properly exercised its power under regulation 59(2) of FCI Staff Regulation, 1971. When the first promotion was granted to T.A. Gr. III in 1980 enquiry was contemplated against the concerned workman, hence his case was not considered. When the case of promotion to T.A. Gr. I was taken up the enquiry was pending against the concerned workman, hence his case for promotion was not considered.

5. In its rejoinder the concerned workman has said nothing new.

6. On the basis of above pleadings my learned predecessor framed following four issues:—

1. Whether the chargesheet is vague?
2. Whether the Regional Manager was not competent to award punishment when the chargesheet had been issued by the Zonal Manager?
3. Whether the Senior Regional Manager had the jurisdiction to hear the appeal filed by the workman against the order of punishment passed by the disciplinary authority?
4. Whether the promotion to T.A. II & T.A. I, have been wrongly withheld by the management.

5. I framed following additional issue—
Whether the disciplinary authority had erred in exercising its power under Regulation 59(2) of F.C.I. Staff Regulation 1971 while inflicting punishment of stoppage of one increment?

Findings on issue nos. 1 to 3:—

7. Issue nos. 1 and 2 relate to manner of holding of domestic enquiry. As this enquiry had already gone in favour of the concerned workman I think these objections culminating in these two issues are meaningless and as such they do not call for any findings. As regard issue no. 3, here we are concerned with the punishment imposed by the disciplinary authority and not by the appellate authority. Hence the finding on this issue is also not necessary.

Issue No. 5.

It has already been mentioned that the enquiry officer P.C. Bhasin had recorded finding in favour of the concerned workman on both the charges. In doing so enquiry officer had relied upon evidence of Tarafdar who says that actually it was the

Area Manager Q.C. who was responsible for this. He had also found that there was no evidence in respect of charge no. 2. The disciplinary authority has not touched findings of charge no. 2. It has dealt only with charge no. 1. It has disagreed with the findings of the enquiry by giving the following observations--

It is in dispute that the stocks which were accepted by the charged official along with others was subsequently forced BRL and the said Chhotey Lal T.A. Gr. II cannot escape from this responsibility of accepting MRL Rice.

It appears to us that the disciplinary authority Regional Manager was labouring under wrong impression that the workman was Technical Assistant Gr. II, whereas actually he was T.A. Gr. III. Indisputedly the function of T.A. Gr. II is more responsible than that of T.A. Gr. III. It appears to be that the disciplinary authority has tried to assess the responsibility of concerned workman as T.A. Gr. II. Otherwise he would have not reached at this conclusion. My attention has been drawn to the duties of a T.A. Gr. III which is as under :—

This is the beginning level grade of Technical Assistants involving the performance under the close supervision of AMOC higher officers under the lead of T.A. Gr. I or T.A. Gr. II, simple tests relating to analysis of samples of foodgrains and preparation of analysis report. The incumbent may be required to perform various physical and chemical tests as may be prescribed from time to time and maintain record of samples received alongwith results of analysis prepare statements and returns, maintain records of equipment received and supplied and perform other related work that may be assigned. The higher range of duties of T.A. Gr. III overlap with the lower range of duties of T.A. Gr. II.

Typical Tests:

1. Receives various samples and enters in a register, gets the same arranged by packers in the sample room; may assist in preparing Analysis Report.
2. Checks maintenance of Reference Type Samples library arranged by the Pockets.
3. Carries out analysis of foodgrains such as performing Iodine test for determining the de-

task in rice, checking the length and Breadth Ratio on the guage, checking moisture content, checking and studying various refractions as separated by the pickers and other physical and chemical tests as may be prescribed from time to time.

4. Collects data for returns and statements.

5. Checks quality of foodgrains at the time of receipt and issue.

6. Assists to surprise checks.

7. Assists in procurement of foodgrains from moidies as well as taking over of staff from State Govt. from Central Pool.

8. Perform other related work that may be assigned to him.

Mode of requirement 100 per cent direct.

Qualification— in science preferably in Agriculture.

It is obvious from the perusal of above provisions that T.A. Gr.III has to work under AMOC his main job is to analyse sample of foodgrains and prepare a report. Apart from this he has to perform other work that may be assigned to him. There is no evidence in the enquiry file nor in this Tribunal to show that the concerned workman was assigned this job. Apart from this I fail to understand as to on what basis the disciplinary authority has arrived at the conclusion that the fact was undisputed. In fact it was very much disputed. Hence the very much assumption of the disciplinary authority was wrong. Consequently his analysis was also wrong. Further he has failed to consider as to how the evidence of Tarafdar given before the enquiry officer exonerating the concerned workman was not accepted. Thus in my opinion, taking into consideration the totality of the reasoning of disciplinary authority I am of the opinion that it is not proper exercise of powers under Regulation 59(2) of FCI Staff Regulation 1971. In this way his conclusion is vitiated. Apart from this in the case of K. N. Misra versus Managing Director, State Bank of India, 1991(63) FIR 921, it has been held by the Hon'ble High Court of Allahabad that even in the absence of specific rules principles of natural justice required that before inflicting punishment in such circumstances, the disciplinary authority should issue how cause notice to the delinquent which has not been done in the instant case. Hence on the basis of this authority as well orders based on exercise of powers of Regulation 59(2) of FCI Staff Regulation 1971, is bad in law. Hence the punishment too is bad in law. In this way answer to the first part of the reference is in the negative and in favour of the concerned workman.

Now the second limb of the reference order may be taken into consideration. It is not disputed by the management that the case of promotion of the concerned workman was ignored on 18-4-80. The justification for this is that enquiry was contemplated. In my opinion this is no justification is no ground for withholding promotion. Promotion can be withheld when actually some enquiry is pending. Hence the act of the management in not considering the case of the workman for promotion to the post of T.A. Gr. II was not justified. As the enquiry and the punishment have been struck down in the instant Award there was also no justification for the employer in not considering the case of promotion of the concerned workman from the post of T.A. Gr. II to the post of T.A. Gr. I I am conscious of the preposition of law that to grant promotion is not the function of this Tribunal, the same being managerial one. Hence this Tribunal cannot grant promotion outright to the concerned workman. Instead the management should be directed to consider the case of the concerned workman for promotion from the post of T.A. Gr. III to T.A.. Gr. II and from T.A. Gr. II to T.A. Gr.I from the dates as the concerned workman has claimed. I further direct that the management shall consider to the case of concerned workman for the above mentioned promotion within a period of three months from the date of publication of this Award. In case they fail to do so, it will be deemed that the concerned workman had become entitled for promotion from T.A. Gr. III to T.A. Gr. II w.e.f. 31-12-79 and from T.A. Gr. II to T.A. Gr.I w.e.f. 22-9-83 with all consequential benefits.

I award accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 23 अगस्त, 1995

का.प्रा. 2436.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1-9-1995 को उस तारीख के स्वयं में नियत करती है, जिसको उत्तर अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 धारा 176 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है के उपबंध पंजाब रेज़ियन के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् 'जिला पटियाला के राजस्वप्राप्त हसनपुर, हव बस्त सं. 25 के अंतर्गत ग्राने वाले क्षेत्र'।

[संख्या : एस-38013/49/95-एसएस-1]

जे.पी. शुक्ला, अवर सचिव

New Delhi, the 23rd August, 1995

S.O. 2436.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees'

State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 1995 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Punjab namely :—

“Areas comprising the revenue village of Hasanpur, Had Bast No. 25 in District Patiala.”

[No. S-38013/49/95-SS.1]
J. P. SHUKLA, Under Secy.

मर्द दिनांक 21 अगस्त, 1995

का.प्रा. 2437.—ऐन्ड्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा अपेक्षित है कि अनियन्त्रित (कल्पना नेत) मोटर और विमान स्पिरिट, डीजल तेल, मिट्टी का तेल, धूधन तेल, विद्युत हाइड्रोजन तेल और उनके गिरण, जिनमें सिंथेटिक ईंधन, स्लेह्ड तेल और इसी प्रकार के तेल शामिल हैं, के निर्धारण या उत्पादन में लगे उद्घाटन में सेवाओं को ग्रीष्मोगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रबंधम अनुसूची की प्रतिक्रिया 26 में शामिल है, उक्त अधिनियम के प्रयोजनों के लिए लोकोपयोगी सेवा घोषित किया जाना चाहिए ;

प्रतः अब, ग्रीष्मोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (d) के उपखंड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्घोष की उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव में छह मास की कालावधि के लिए लोकोपयोगी सेवा घोषित करती है।

[संख्या एस. 11017/2/84-ई-1(ए)]
एस. वेणुगोपालन, अवर सचिव

New Delhi, the 24th August, 1995

S.O. 2437.—Whereas the Central Government is satisfied that the public interest requires that the services in the industry engaged in the manufacture or production of mineral oil (crude oil), motor and aviation spirit, diesel oil, kerosene oil, fuel oil, diverse hydrocarbon oils and their blends including synthetic fuels, lubricating oils and the like, which are covered by entry 26 in the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-section (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a

public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/2/84-D.I(A)]
S. VENUGOPALAN, Under Secy.

मर्द दिनांक 23 अगस्त, 1995

का.प्रा. 2438—कर्मचारी भविष्य निधि एवं प्रक्रीय उपलब्ध अधिनियम, 1952 (1952 का 19) को धारा 7 की उपधारा (1) के माध्यम से धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय गरकार एवं द्वारा कर्मचारी भविष्य निधि योजना, 1952 में आगे संशोधन करते हुए निम्नलिखित योजना प्रारम्भित करनी है, अर्थात :—

1. (1) इस योजना को कर्मचारी भविष्य निधि (संयोधन) योजना, 1995 के नाम दे जाना जाए।

(2) यह राज्यालय में प्रकाशित होने की निश्चि से प्रबुत्त होगी।

2. कर्मचारी भविष्य निधि योजना, 1952 में, पंखारा 61 में, उपन्यैरायाक (3) के बाद, निम्नलिखित परन्तुक जोड़ दिया जाएगा, अर्थात :—

“इसने कि उक्त सदस्य द्वारा अपने विवाह के उपरान्त नामांकन किया जाएगा और उक्त विवाह के पूर्व किया गया कोई नामांकन अवैध समझा जाएगा।”

[काइन्स. एस. 35012/1/94-एस. एस. II]
जे.पी. शुभमा, अवर सचिव

पाद टिप्पणी : कर्मचारी भविष्य निधि योजना, 1952 को दि. 2-9-1992 के भारत के राजपत्र के भाग II, खण्ड (1) में एस.आर.ओ. सं. 1509 के स्वर में प्रकाशित किया गया था और इस योजना को बाद में निम्नलिखित अधिसूचनाओं के तहत संशोधित किया गया था :—

- का.नि.आ. 1858 दिनांक 8-11-1952
- का.नि.आ. 270 दिनांक 7-2-1953
- का.नि.आ. 500 दिनांक 14-3-1953
- का.नि.आ. 502 दिनांक 14-3-1953
- का.नि.आ. 2035 दिनांक 31-10-1953
- का.नि.आ. 1567 दिनांक 4-7-1956
- का.नि.आ. 1660 दिनांक 21-7-1956
- का.नि.आ. 2027 दिनांक 3-9-1956
- का.नि.आ. 2981 दिनांक 4-12-1956
- का.नि.आ. 815 दिनांक 5-3-1957
- का.नि.आ. 1337 दिनांक 16-4-1957
- का.नि.आ. 1363 दिनांक 26-4-1957
- का.नि.आ. 2646 दिनांक 21-6-1957
- का.नि.आ. 2087 दिनांक 13-7-1957
- का.नि.आ. 2706 दिनांक 17-9-1957

16. का.नि.शा. 3374 दिनांक 10-10-1957
 17. का.नि.शा. 3876 दिनांक 10-10-1957
 18. का.नि.शा. 3565 दिनांक 31-10-1957
 19. का.नि.शा. 3973 दिनांक 4-12-1957
 20. का.नि.शा. 331 दिनांक 15-1-1958
 21. का.नि.शा. 488 दिनांक 4-2-1958
 22. का.नि.शा. 261 दिनांक 10-4-1958
 23. का.नि.शा. 970 दिनांक 11-10-1958
 24. का.नि.शा. 1044 दिनांक 23-10-1958
 25. सा.का.नि. 164 दिनांक 30-1-1959
 26. सा.का.नि. 400 दिनांक 28-3-1959
 27. सा.का.नि. 583 दिनांक 8-5-1959
 28. सा.का.नि. 584 दिनांक 11-5-1959
 29. सा.का.नि. 1307 दिनांक 24-11-1959
 का.नि. 147 दिनांक 29-1-1960
 31. सा.का.नि. 362 दिनांक 6-3-1960
 32. सा.का.नि. 718 दिनांक 17-8-1960
 33. सा.का.नि. 748 दिनांक 24-6-1960
 34. सा.का.नि. 974 दिनांक 10-8-1960
 35. सा.का.नि. 1122 दिनांक 19-9-1960
 36. सा.का.नि. 1444 दिनांक 24-11-1960
 37. सा.का.नि. 1467 दिनांक 2-12-1960
 38. सा.का.नि. 1522 दिनांक 16-12-1960
 39. सा.का.नि. 1548 दिनांक 24-12-1960
 40. सा.का.नि. 201 दिनांक 8-2-1961
 41. सा.का.नि. 680 दिनांक 15-5-1961
 42. सा.का.नि. 7783 दिनांक 5-6-1961
 43. सा.का.नि. 808 दिनांक 13-6-1961
 44. सा.का.नि. 992 दिनांक 24-7-1961
 45. सा.का.नि. 1033 दिनांक 8-8-1961
 46. सा.का.नि. 1176 दिनांक 14-9-1961
 47. सा.का.नि. 1286 दिनांक 13-10-1961
 48. सा.का.नि. 1456 दिनांक 29-11-1961
 49. सा.का.नि. 1452 दिनांक 2-12-1961
 50. सा.का.नि. 1513 दिनांक 15-12-1961
 51. सा.का.नि. 3087 दिनांक 20-12-61
 52. सा.का.नि. 98 दिनांक 15-1-1962
 53. सा.का.नि. 417 दिनांक 19-3-1962
 54. सा.का.नि. 460 दिनांक 3-4-1962
 55. सा.का.नि. 887 दिनांक 23-6-1962
 56. सा.का.नि. 1299 दिनांक 19-9-1962
 57. सा.का.नि. 1300 दिनांक 19-9-1962
 58. सा.का.नि. 1321 दिनांक 27-9-1962
 59. सा.का.नि. 1501 दिनांक 6-11-1962
 60. सा.का.नि. 1756 दिनांक 12-12-1962
 61. सा.का.नि. 1757 दिनांक 12-12-1962
 62. सा.का.नि. 86 दिनांक 3-1-1963
 63. सा.का.नि. 297 दिनांक 11-2-1963
 64. सा.का.नि. 504 दिनांक 18-3-1963
 65. सा.का.नि. 663 दिनांक 10-4-1963
 66. सा.का.नि. 666 दिनांक 15-4-1963
 67. सा.का.नि. 725 दिनांक 15-4-1963
 68. सा.का.नि. 852 दिनांक 6-5-1963
 69. सा.का.नि. 853 दिनांक 10-5-1963
 70. सा.का.नि. 879 दिनांक 15-5-1963
 71. सा.का.नि. 1401 दिनांक 9-9-1963
 72. सा.का.नि. 1433 दिनांक 22-3-1963
 73. सा.का.नि. 1608 दिनांक 27-9-1963
 74. सा.का.नि. 1866 दिनांक 10-10-1963
 75. सा.का.नि. 1688 दिनांक 15-10-1963
 76. सा.का.नि. 1845 दिनांक 28-11-1963
 77. सा.का.नि. 1982 दिनांक 19-12-1963
 78. सा.का.नि. 68 दिनांक 4-1-1964
 79. सा.का.नि. 93 दिनांक 8-1-1964
 80. सा.का.नि. 126 दिनांक 16-1-1964
 81. सा.का.नि. 127 दिनांक 20-1-1964
 82. सा.का.नि. 164 दिनांक 22-1-1964
 83. सा.का.नि. 206 दिनांक 30-1-1964
 84. सा.का.नि. 261 दिनांक 14-2-1964
 85. सा.का.नि. 262 दिनांक 14-2-1964
 86. सा.का.नि. 821 दिनांक 18-5-1964
 87. सा.का.नि. 863 दिनांक 8-6-1964
 88. सा.का.नि. 864 दिनांक 6-6-1964
 89. सा.का.नि. 1178 दिनांक 17-8-1964
 90. सा.का.नि. 1288 दिनांक 1-9-1964
 91. सा.का.नि. 1399 दिनांक 18-9-1964
 92. सा.का.नि. 1415 दिनांक 24-9-1964
 93. सा.का.नि. 1500 दिनांक 8-10-1964
 94. सा.का.नि. 1845 दिनांक 21-12-1964
 95. सा.का.नि. 71 दिनांक 1-1-1965
 96. सा.का.नि. 106 दिनांक 2-1-1965
 97. सा.का.नि. 401 दिनांक 1-8-1965
 98. सा.का.नि. 475 दिनांक 19-3-1965
 99. सा.का.नि. 767 दिनांक 18-5-1965
 100. सा.का.नि. 823 दिनांक 1-6-1965
 101. सा.का.नि. 824 दिनांक 1-6-1965
 102. सा.का.नि. 869 दिनांक 6-7-1965
 103. सा.का.नि. 987 दिनांक 15-7-1965
 104. सा.का.नि. 1241 दिनांक 18-8-1965
 105. सा.का.नि. 1707 दिनांक 17-11-1965
 106. सा.का.नि. 1836 दिनांक 7-12-1965
 107. सा.का.नि. 1837 दिनांक 9-12-1965
 108. सा.का.नि. 170 दिनांक 20-1-1966
 109. सा.का.नि. 348 दिनांक 26-2-1966
 110. सा.का.नि. 350 दिनांक 26-2-1966
 111. सा.का.नि. 351 दिनांक 3-3-1966
 112. सा.का.नि. 352 दिनांक 3-3-1966
 113. सा.का.नि. 412 दिनांक 10-3-1966
 114. सा.का.नि. 413 दिनांक 11-3-1966
 115. सा.का.नि. 997 दिनांक 17-6-1966
 116. सा.का.नि. 1683 दिनांक 30-6-1966
 117. सा.का.नि. 1118 दिनांक 6-7-1966
 118. सा.का.नि. 1187 दिनांक 21-7-1966
 119. सा.का.नि. 1314 दिनांक 16-8-1966
 120. सा.का.नि. 1412 दिनांक 12-9-1966
 121. सा.का.नि. 1433 दिनांक 12-9-1966
 122. सा.का.नि. 1714 दिनांक 1-11-1966
 123. सा.का.नि. 1770 दिनांक 10-11-1966
 124. सा.का.नि. 1772 दिनांक 21-11-1966
 125. सा.का.नि. 1858 दिनांक 30-11-1966
 126. सा.का.नि. 553 दिनांक 11-4-1967
 127. सा.का.नि. 1103 दिनांक 17-7-1967
 128. सा.का.नि. 1268 दिनांक 21-8-1967
 129. सा.का.नि. 1289 दिनांक 21-8-1967

130. सा.का.नि. 1645 दिनांक 23-10-1967
 131. सा.का.नि. 1795 दिनांक 20-11-1967
 132. सा.का.नि. 1857 दिनांक 20-11-1967
 133. सा.का.नि. 499 दिनांक 5-3-1968
 134. सा.का.नि. 1592 दिनांक 24-8-1968
 135. सा.का.नि. 1809 दिनांक 28-9-1968
 136. सा.का.नि. 1900 दिनांक 10-10-1968
 137. सा.का.नि. 2083 दिनांक 22-11-1968
 138. सा.का.नि. 48 दिनांक 23-12-1968
 139. सा.का.नि. 1017 दिनांक 22-4-1969
 140. सा.का.नि. 1510 दिनांक 11-6-1969
 141. सा.का.नि. 1512 दिनांक 11-6-1969
 142. सा.का.नि. 1922 दिनांक 24-7-1969
 143. सा.का.नि. 2687 दिनांक 20-11-1969
 144. सा.का.नि. 12 दिनांक 23-12-1969
 145. सा.का.नि. 14 दिनांक 23-12-1969
 146. सा.का.नि. 579 दिनांक 12-4-1971
 147. सा.का.नि. 731 दिनांक 17-5-1971
 148. सा.का.नि. 1488 दिनांक 1-9-1971
 149. सा.का.नि. 1990 दिनांक 3-12-1971
 150. सा.का.नि. 263 दिनांक 7-2-1972
 151. सा.का.नि. 320 दिनांक 16-2-1972
 152. सा.का.नि. 506 दिनांक 18-3-1972
 153. सा.का.नि. 574 दिनांक 05-5-1972
 154. सा.का.नि. 1185 दिनांक 26-8-1972
 155. सा.का.नि. 1298 दिनांक 27-9-1972
 156. सा.का.नि. 1490 दिनांक 15-11-1972
 157. सा.का.नि. 63 दिनांक 9-1-1973
 158. सा.का.नि. 1039 दिनांक 17-4-1973
 159. सा.का.नि. 552 दिनांक 10-5-1973
 160. सा.का.नि. 843 दिनांक 19-7-1973
 161. सा.का.नि. 1117 दिनांक 21-9-1973
 162. सा.का.नि. 1249 दिनांक 2-11-1973
 163. सा.का.नि. 303 दिनांक 11-3-1974
 164. सा.का.नि. 341 दिनांक 18-3-1974
 165. सा.का.नि. 377 दिनांक 26-3-1974
 166. सा.का.नि. 521 दिनांक 25-5-1974
 167. सा.का.नि. 606 दिनांक 29-5-1974
 168. सा.का.नि. 871 दिनांक 31-7-1974
 169. सा.का.नि. 1095 दिनांक 27-9-1974
 170. सा.का.नि. 1184 दिनांक 16-10-1974
 171. सा.का.नि. 1255 दिनांक 12-1-1974
 172. सा.का.नि. 1400 दिनांक 21-12-1974
 173. सा.का.नि. 1401 दिनांक 21-12-1974
 174. सा.का.नि. 268 दिनांक 26-12-1974
 175. सा.का.नि. 593 दिनांक 2-5-1975
 176. सा.का.नि. 871 दिनांक 6-7-1975
 177. सा.का.नि. 984 दिनांक 26-7-1975
 178. सा.का.नि. 2529 दिनांक 26-9-1975
 179. सा.का.नि. 395 दिनांक 20-2-1976
 180. सा.का.नि. 707 दिनांक 4-5-1976
 181. सा.का.नि. 1103 दिनांक 6-7-1976
 182. सा.का.नि. 1355 दिनांक 3-9-1976
 183. सा.का.नि. 1717 दिनांक 18-11-1976
 184. सा.का.नि. 1740 दिनांक 29-11-1976
 185. सा.का.नि. 305 दिनांक 19-2-1977
 186. सा.का.नि. 473 दिनांक 14-3-1977
 187. सा.का.नि. 571 दिनांक 12-4-1977
 188. सा.का.नि. 677 दिनांक 20-5-1977
 189. सा.का.नि. 1229 दिनांक 22-8-1977
 190. सा.का.नि. 602 दिनांक 27-4-1978
 191. सा.का.नि. 1457 दिनांक 16-11-1978
 192. सा.का.नि. 1523 दिनांक 12-12-1978
 193. सा.का.नि. 462 दिनांक 9-2-1979
 194. सा.का.नि. 982 दिनांक 13-7-1979
 195. सा.का.नि. 1108 दिनांक 21-8-1979
 196. सा.का.नि. 605 दिनांक 24-5-1980
 197. सा.का.नि. 592 (ई) दिनांक 22-10-1980
 198. सा.का.नि. 614 (ई) दिनांक 31-10-1980
 199. सा.का.नि. 655 दिनांक 20-11-1980
 200. सा.का.नि. 103 दिनांक 8-1-1981
 201. सा.का.नि. 130 दिनांक 15-6-1981
 202. सा.का.नि. 496 (ई) दिनांक 27-8-1981
 203. सा.का.नि. 507 (ई) दिनांक 5-9-1981
 204. सा.का.नि. 549 (ई) दिनांक 3-10-1981
 205. सा.का.नि. 625 (ई) दिनांक 30-11-1981
 206. सा.का.नि. 642 (ई) दिनांक 5-12-1981
 207. सा.का.नि. 141 दिनांक 28-1-1982
 208. सा.का.नि. 393 दिनांक 31-3-1982
 209. सा.का.नि. 437 दिनांक 23-4-1982
 210. सा.का.नि. 591 दिनांक 21-6-1982
 211. सा.का.नि. 13 दिनांक 27-1-1983
 212. सा.का.नि. 321 दिनांक 04-4-1983
 213. सा.का.नि. 449 दिनांक 31-6-1983
 214. सा.का.नि. 548 दिनांक 21-7-1983
 215. सा.का.नि. 706 दिनांक 9-9-1983
 216. सा.का.नि. 13 दिनांक 17-12-1983
 217. सा.का.नि. 954 दिनांक 22-08-1984
 218. सा.का.नि. 20 दिनांक 26-12-1984
 219. सा.का.नि. 188 दिनांक 2-02-1985
 220. सा.का.नि. 363 दिनांक 25-03-1985
 221. सा.का.नि. 421 दिनांक 12-05-1985
 222. सा.का.नि. 667 दिनांक 27-06-1985
 223. सा.का.नि. 826 दिनांक 14-08-1985
 224. सा.का.नि. 897 दिनांक 6-09-1985
 225. सा.का.नि. 968 दिनांक 27-09-1985
 226. सा.का.नि. 347 दिनांक 30-04-86
 227. सा.का.नि. 303 दिनांक 14-04-1987
 228. सा.का.नि. 687 दिनांक 24-08-1987
 229. का.नि. 832 दिनांक 23-10-1987
 230. सा.का.नि. 421 दिनांक 12-05-1988
 231. सा.का.नि. 690 (ई) दिनांक 30-6-1989
 232. सा.का.नि. 2276 दिनांक 30-08-1989
 233. सा.का.नि. 54 दिनांक 12-01-1990
 234. सा.का.नि. 231 दिनांक 15-03-1990
 235. सा.का.नि. 689 दिनांक 19-10-1990
 236. सा.का.नि. 343 दिनांक 8-05-1991
 237. सा.का.नि. 521 दिनांक 16-08-1991
 238. सा.का.नि. 293 दिनांक 20-06-1992
 239. सा.का.नि. 341 दिनांक 9-07-1992
 240. सा.का.नि. 11 दिनांक 10-12-1992
 241. सा.का.नि. 81 दिनांक 21-01-1993
 242. सा.का.नि. 222 दिनांक 31-03-1993
 243. सा.का.नि. 292 दिनांक 24-05-1994
 244. सा.का.नि. 718 (ई) दिनांक 23-09-1994

New Delhi, the 25th August, 1995

S. O. 2438 In exercise of the powers conferred by section 5, read with sub-section (1) of section 7, of the Employees' provident Fund and Miscellaneous provisions Act, 1952 (19 of 1952) the Central Government hereby makes the following scheme further to amend the Employees' provident Fund Scheme, 1952, namely:-

1. This Scheme may be called the Employees provident Fund (Amendment) Scheme, 1995.

(2) It shall come into force on the date of its publication in the official Gazette.

2. In the Employees provident Fund Scheme, 1952, in paragraph 61, after sub-paragraph (3), the following proviso shall be inserted namely:-

"Provided that a fresh nomination shall be made by the member on his marriage and any nomination made before such marriage shall be deemed to be invalid".

[File No. S-35012/1/94-SS.II]

J. P. SHUKLA, Under Secy.

FOOT NOTE:- The Employees provident Fund Scheme, 1952 was published in the Gazette of India part-II section 3 (1) dated 2-3-1952 as S. R. O. No. 1509 and the Scheme was subsequently amended by the following notifications:-

1. SRO 1858 dated 8-1-1952
2. SRO 270 dated 7-2-1953
3. SRO 500 dated 14-3-1953
4. SRO 502 dated 14-3-1953
5. SRO 2035 dated 31-10-1953
6. SRO 1567 dated 4-7-1956
7. SRO 1660 dated 21-7-1956
8. SRO 2027 dated 3-9-1956
9. SRO 2981 dated 4-12-1956
10. SRO 815 dated 5-3-1957
11. SRO 1337 dated 16-4-1957
12. SRO 1363 dated 26-4-1957
13. SRO 2146 dated 21-6-1957
14. SRO 2387 dated 13-7-1957
15. SRO 2706 dated 17-8-1957
16. SRO 3374 dated 10-10-1957
17. SRO 3376 dated 10-10-1957
18. SRO 3565 dated 31-10-1957
19. SRO 3972 dated 4-12-1957
20. SRO 331 dated 15-1-1958
21. SRO 488 dated 4-2-1958
22. SRO 261 dated 10-4-1958
23. SRO 970 dated 11-10-1958
24. SRO 1044 dated 23-10-1958
25. GSR 164 dated 30-1-1959
26. GSR 400 dated 28-3-1959
27. GSR 583 dated 8-5-1959
28. GSR 548 dated 11-5-1959
29. GSR 1307 dated 24-11-1959
30. GSR 147 dated 29-1-1960
31. GSR 362 dated 6-3-1960
32. GSR 718 dated 17-6-60
33. GSR 748 dated 24-6-60
34. GSR 974 dated 10-8-60
35. GSR 1122 dated 19-9-1960
36. GSR 1444 dated 24-11-1960
37. GSR 1467 dated 2-12-1960

38. GSR 1522 dated 16-12-1960
39. GSR 1548 dated 24-12-1960
40. GSR 201 dated 8-2-1964
41. GSR 680 dated 15-5-1961
42. GSR 7783 dated 5-6-1961
43. GSR 808 dated 13-6-1961
44. GSR 992 dated 24-7-1961
45. GSR 1033 dated 8-8-1961
46. GSR 1176 dated 14-9-1961
47. GSR 1286 dated 13-10-1961
48. GSR 1456 dated 29-11-1961
49. GSR 1452 dated 2-12-1961
50. GSR 1513 dated 15-12-1961
51. GSR 3087 dated 20-12-61
52. GSR 98 dated 15-1-1962
53. GSR 417 dated 19-3-1962
54. GSR 460 dated 3-4-1962
55. GSR 887 dated 23-6-1962
56. GSR 1299 dated 19-9-1962
57. GSR 1300 dated 19-9-1962
58. GSR 1321 dated 27-9-1962
59. GSR 1501 dated 6-11-1962
60. GSR 1756 dated 12-12-1962
61. GSR 1757 dated 12-12-62
62. GSR 86 dated 3-1-1963
63. GSR 297 dated 11-2-1963
64. GSR 504 dated 18-3-63
65. GSR 663 dated 10-4-63
66. GSR 666 dated 15-4-63
67. GSR 725 dated 15-4-63
68. GSR 852 dated 6-5-63
69. GSR 853 dated 10-5-63
70. GSR 879 dated 15-5-63
71. GSR 1401 dated 10-8-63
72. GSR 1433 dated 28-8-63
73. GSR 1606 dated 27-9-63
74. GSR 1666 dated 10-10-63
75. GSR 1688 dated 15-10-63
76. GSR 1845 dated 28-11-63
77. GSR 1982 dated 19-12-63
78. GSR 63 dated 4-1-64
79. GSR 93 dated 8-1-64
80. GSR 126 dated 16-1-64
81. GSR 127 dated 20-1-64
82. GSR 164 dated 22-1-64
83. GSR 206 dated 30-1-64
84. GSR 261 dated 14-2-64
85. GSR 262 dated 14-2-64
86. GSR 821 dated 18-5-64
87. GSR 863 dated 6-6-64
88. GSR 864 dated 6-6-64
89. GSR 1176 dated 17-8-64
90. GSR 1288 dated 1-9-64
91. GSR 1399 dated 18-9-64
92. GSR 1415 dated 24-9-64
93. GSR 1500 dated 8-10-64
94. GSR 1845 dated 21-12-64
95. GSR 71 dated 1-1-65
96. GSR 106 dated 2-1-65
97. GSR 401 dated 1-3-65
98. GSR 475 dated 19-3-65
99. GSR 767 dated 18-5-65
100. GSR 823 dated 1-6-65
101. GSR 324 dated 1-6-65
102. GSR 969 dated 6-7-65
103. GSR 997 dated 15-7-65
104. GSR 1241 dated 18-8-65
105. GSR 1707 dated 17-11-65

106. GSR 1836 dated 7-12-65
 107. GSR 1837 dated 9-12-65
 108. GSR 170 dated 20-1-66
 109. GSR 348 dated 24-2-66
 110. GSR 350 dated 26-2-66
 111. GSR 351 dated 3-3-66
 112. GSR 352 dated 3-3-66
 113. GSR 412 dated 10-3-66
 114. GSR 413 dated 11-3-66
 115. GSR 997 dated 17-6-66
 116. GSR 1083 dated 30-6-66
 117. GSR 1118 dated 6-7-66
 118. GSR 1187 dated 21-7-66
 119. GSR 1314 dated 16-8-66
 120. GSR 1412 dated 12-9-66
 121. GSR 1433 dated 12-9-66
 122. GSR 1714 dated 1-11-66
 123. GSE 1770 dated 10-11-66
 124. GSR 1772 dated 21-11-66
 125. GSR 1858 dated 30-11-66
 126. GSR 553 dated 11-4-66
 127. GSR 1103 dated 17-7-67
 128. GSR 1268 dated 21-8-67
 129. GSR 1269 dated 21-8-67
 130. GSR 1645 dated 23-10-67
 131. GSR 1795 dated 20-11-67
 132. GSR 1857 dated 20-11-67
 133. GSR 1499 dated 5-31-68
 134. GSR 1592 dated 24-8-68
 135. GSR 1809 dated 28-9-68
 136. GSR 1900 dated 16-10-68
 137. GSR 2083 dated 22-11-68
 138. GSR 48 dated 23-2-68
 139. GSR 1017 dated 22-4-69
 140. GSR 1510 dated 11-6-69
 141. GSR 1512 dated 11-6-69
 142. GSR 1922 dated 24-7-69
 143. GSR 2687 dated 20-11-69
 144. GSR 12 dated 23-12-69
 145. GSR 14 dated 23-12-69
 146. GSR 579 dated 12-4-71
 147. GSR 731 dated 17-5-71
 148. GSR 1488 dated 1-9-71
 149. GSR 1990 dated 3-12-71
 150. GSR 263 dated 7-2-72
 151. GSR 320 dated 16-2-72
 152. GSR 506 dated 18-3-72
 153. GSR 574 dated 5-5-72
 154. GSR 1185 dated 26-8-72
 155. GSR 1298 dated 27-9-72
 156. GSR 1490 dated 15-11-72
 157. GSR 63 dated 9-1-73
 158. GSR 1039 dated 17-4-73
 159. GSR 552 dated 10-5-73
 160. GSR 843 dated 19-7-73
 161. GSR 1117 dated 21-9-73
 162. GSR 1249 dated 2-11-73
 163. GSR 305 dated 11-3-74
 164. GSR 341 dated 18-3-74
 165. GSR 377 dated 16-3-74
 166. GSR 521 dated 15-5-74
 167. GSR 606 dated 29-5-74
 168. GSR 871 dated 31-7-74
 169. GSR 1095 dated 27-9-74
 170. GSR 1184 dated 16-10-74
 171. GSR 1255 dated 12-1-74
 172. GSR 1400 dated 21-12-74
 173. GSR 1401 dated 21-12-74
 174. GSR 268 dated 26-12-74
 175. GSR 593 dated 2-5-75
 176. GSR 871 dated 6-7-75
 177. GSR 984 dated 26-7-75
 178. GSR 2529 dated 26-9-75
 179. GSR 395 dated 20-2-76
 180. GSR 707 dated 4-5-76
 181. GSR 1103 dated 5-7-76
 182. GSR 1355 dated 3-9-76
 183. GSR 1717 dated 18-11-76
 184. GSR 1740 dated 29-11-76
 185. GSR 305 dated 19-2-77
 186. GSR 473 dated 14-3-77
 187. GSR 571 dated 12-4-77
 188. GSR 677 dated 23-5-77
 189. GSR 1229 dated 22-8-77
 190. GSR 602 dated 27-4-78
 191. GSR 1457 dated 16-11-78
 192. GSR 1523 dated 12-12-78
 193. GSR 462 dated 9-3-79
 194. GSR 982 dated 13-7-79
 195. GSR 1108 dated 21-8-79
 196. GSR 605 dated 24-6-80
 197. GSR 592 (E) dated 22-10-80
 198. GSR 614 (E) dated 31-10-80
 199. GSR 655 dated 29-11-80
 200. GSR 103 dated 8-1-81
 201. GSR 130 dated 15-6-81
 202. GSR 496 (E) dated 27-8-81
 203. GSR 507 (E) dated 5-9-81
 204. GSR 549 (E) dated 3-10-81
 205. GSR 625 (F) dated 30-11-81
 206. GSR 642 (E) dated 5-12-81
 207. GSR 141 dated 28-1-82
 208. GSR 393 dated 31-3-82
 209. GSR 437 dated 23-4-82
 210. GSR 591 dated 21-5-82
 211. GSR 13 dated 27-1-83
 212. GSR 321 dated 7-4-83
 213. GSR 449 dated 31-6-83
 214. GSR 548 dated 21-7-83
 215. GSR 706 dated 9-9-83
 216. GSR 13 dated 17-12-83
 217. GSR 954 dated 22-8-84
 218. GSR 20 dated 26-12-84
 219. GSR 188 dated 2-2-85
 220. GSR 363 dated 25-3-85
 221. GSR 421 dated 12-5-85
 222. GSR 667 dated 27-6-85
 223. GSR 826 dated 14-8-85
 224. GSR 897 dated 6-9-85
 225. GSR 968 dated 27-9-85
 226. GSR 347 dated 30-4-86
 227. GSR 303 dated 14-4-87
 228. GSR 687 dated 24-8-87
 229. GSR 832 dated 23-10-87
 230. GSR 421 dated 12-5-88
 231. GSR 690 (E) dated 30-6-89
 232. GSR 2276 dated 20-8-89
 233. GSR 54 dated 12-1-90
 234. GSR 221 dated 15-3-90
 235. GSR 639 dated 19-10-90
 236. GSR 343 dated 8-5-91
 237. GSR 571 dated 16-8-91
 238. GSR 293 dated 20-6-92
 239. GSR 341 dated 9-7-92

240. GSR 11 dated 10-12-92
 241. GSR 81 dated 21-1-93
 242. GSR 222 dated 31-3-93
 243. GSR 292 dated 24-5-94
 244. GSR 718 (E) dated 23-09-94

2. Smt. Reema Raphael was working as Assistant, Accounts Department. The charges levelled against the workman are :—

“Wilful in subordination or disobedience whether alone or in combination with another or others of any lawful and reasonable order of a superior, coming under clause 34(a) of the Company's Certified Standing Orders applicable to you.

(2) Overstay of leave without proper authority or satisfactory explanations, coming under clause 34(a) of the above quoted Standing Orders, and

(3) Habitual absence without leave or absence without leave for more than 10 days, coming under clause 34(a) of the above quoted standing orders.

3. An enquiry was held. She sought adjournments. Enquiry was conducted in her absence, rejecting her prayer for adjournments. Accepting the findings the management, through the Disciplinary Authority, namely the General Manager, passed an order dismissing her from the services of the company with effect from 16-6-88. The above said action was confirmed in appeal. Accordingly the above said reference is made. In the claim statement she would allege that she was granted maternity leave from 5-5-87 to 2-8-87. Her application for extension of leave was mad as there developed illness in connection with delivery. She was asked by the management to report before the Superintendent, General Hospital, Ernakulam on 20-2-88. On way to the hospital she had an accident and could not keep up the appointment. She reported it to the company. She applied for leave and no communication is made rejecting her application. She did not receive the charge sheet. The enquiry which was proposed to be held on 6-5-88 was adjourned to 6-6-88. However due to the inability to make travel arrangements, she could not attend the enquiry. Her request for adjournment was turned down. The enquiry was one sided and it violated the principles of fair play and natural justice. It was only an empty formality. Therefore she prayed for reinstatement with continuity of service and full back wages.

4. The management filed counter reiterating its case that the delinquent continued to remain absent and sent request for extension of leave on same medical ground till 31-12-87. On 21-12-87 the management informed her that no further requests for leave will be considered. However she sent two more requests for extension till 29-2-88. On 12-2-88, the management directed her to appear before the Superintendent, General Hospital, Ernakulam on 20-2-88 for medical check up. She accepted the memo. But she did not report for examination. Meanwhile she sent another request for extension of leave. On 3-3-88 she was informed that she failed to appear before the Medical Board and that the leave has been refused to her and she should report for duty on or before 10-3-88. But she did not report for duty. On the other hand, she requested for extension of leave for one more month. Thereupon a show cause memo was sent which was returned to the management with the postal endorsement “refused”. Thereupon charge sheet was also sent and the same was refused by her. Thereafter the management published a notice on 30-4-88 in the Mathrubhumi and the Malayala Manorama informing the delinquent that an enquiry will be held at the company's office on 6-5-88. She was also informed that in case she failed to attend the enquiry it will be held ex parte. On 3-5-88 the management received a medical certificate dated 30-4-88 from the same Civil Surgeon at Kochi received with the letter dated 30-4-88 from Smt. Reema Raphael from New Delhi from which it was clear that she was sending the medical certificate in support of the request for extension of leave continuously from her New Delhi address whereas her Doctor was at Cochin. On receipt of her New Delhi address she was intimated that the enquiry would be held on 6-5-88. This communication was sent by speed post. Thereafter the management received a telegram from Delhi dated 7-5-88 seeking adjournment of enquiry for a month as the employee was sick. The enquiry was rescheduled to be held on 6-6-88 as a special case and she was informed by the management's memo dated 23-5-88. On 2-6-88 the management received another request from her for postponement of the enquiry as she could not get train ticket till the end of the month due to rush. She applied for extension of leave for one

नई दिल्ली, 21 अगस्त, 1995

का.प्रा. 2439.—श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिल्ली आर्थ लि. के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीधोगिक विवाद में केन्द्रीय सरकार श्रीधोगिक अधिकरण, लेवर कोर्ट-यारनाकुलम, कोचिन, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-8-95 को प्राप्त करता था।

[संख्या एल-29012/43/91-आईआर (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 21st August, 1995

S.O. 2439.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Labour Court-Ernakulam Kochin as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Indian Rare Earths, Udyogamandal and their workmen, which was received by the Central Government on 16-8-1995.

[No. L-29012/43/91-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(Labour Court, Ernakulam)

Monday, the 17th day of July, 1995

PRESENT :

Shri Varghese T. Abraham, B.A., LL.M., Presiding Officer.

Industrial Dispute No. 10 of 1991 (C)

BETWEEN

The General Manager, Indian Rare Earths, Udyogamandal-683502.

AND

Smt. Reema Raphael, R/614, First Floor, New Rajindar Nagar, New Delhi-110060.

REPRESENTATIONS :

M/s. Menon and Pai, Advocates, Kochi-18—for Management.

Sri M. Ramachandran, Advocate, Kochi-17—for Worker.
AWARD

The Government of India, Ministry of Labour as per order No. L-29012/43/91-IR (Misc.) dated 22-10-91 referred the following issue for adjudication :—

“Whether the action of management of Indian Rare Earths, Udyogamandal in terminating the services of Smt. Reema Raphael, Assistant, Accounts Department w.e.f. 16-6-88 is justified ? If not, to what relief the workman is entitled ?”

more month from 1-6-88 supported by the medical certificate dated 31-5-88 from the same Doctor in Cochin. Thereafter telegraphic information was given to her on 3-6-88 that her request for postponement of the enquiry was rejected and the enquiry was held on 6-6-88. She did not attend the enquiry on 6-6-88. Therefore the enquiry was held in her absence. She was found guilty of the charges levelled against the misconduct proved against her are grave. She was given the punishment of termination of service with immediate effect from 16th June, 1988. She sent appeal which was also dismissed. Enquiry was held with sufficient notice. She had sufficient opportunity. She failed to attend before the Superintendent of General Hospital on 20-2-88. The enquiry was held in accordance with the principles of natural justice. There is no illegality. The findings are supported by legal evidence.

5. MWI is examined and Ext. MI, domestic enquiry file is marked.

6. Points which emerge for consideration are :—

- (i) Whether the enquiry held against the worker was valid and proper.
- (ii) Whether the punishment imposed on her was proportionate to the gravity of misconduct.

7. Point No. 1.—MWI is the enquiry officer. Ext. MI is the enquiry file. It has come out in evidence and is an admitted fact that the enquiry was ex-parte. It can be seen from Ext. MI that show cause notice incorporating the memo of charges was refused by the delinquent. Thereafter notice was published in newspaper. The delinquent did not participate in the enquiry. MWI swears that the delinquent would have been given sufficient opportunity if she participated in the enquiry. On 4-5-88 she sent an application from Delhi to postpone the enquiry for one month. Accordingly the enquiry was adjourned to 6-6-88. Earlier on 31-5-88 she applied for extension of leave from New Delhi. It was accompanied by the medical certificate dated 31-5-88 issued by the Doctor in Cochin the original date of enquiry was 6-5-88. At the request of the delinquent it was fixed to 6-6-88. She wanted one month leave and an application was sent by her along with medical certificates. That application was rejected. A bird's eye view of Ext. MI will show the various correspondences between the management and the delinquent. It is curious enough to note that the delinquent on 31-5-88 sent from New Delhi an application for extension of leave on medical grounds. It is to be noted that she was already on maternity leave. The above said application dated 31-5-88 is supported by medical certificate issued by Doctor M. R. Gopalakrishnan on 31-5-88. This will cast doubt on the veracity of case of the delinquent. It is not understandable as to how she procured a medical certificate dated 31-5-88 which was sent alongwith an application from New Delhi 31-5-88. The proceedings of the domestic enquiry are contained Ext. MI. It can be seen that the charge was sent to the delinquent, and it was returned by the postal authorities with the endorsement "refused". Thereafter notice was published in the Mathrubhumi and Malayala Manorama dated 30-4-88. Another charge was sent by speed post with A/D. As per telegraphic message dated 3-6-88 the management rejected the prayer for adjournments and she was intimated that the enquiry will be held on 6th June, itself. It is also brought out in evidence that the management directed the delinquent to submit herself for medical examination before the Superintendent of General Hospital, Ernakulam and that direction was not complied with by her. Instead she contends that she met with an accident while she was on the way to hospital and that is not supported by evidence. Another telegram sent from Delhi will show that she got information from the management and she sought for extension of one month for domestic enquiry. The entire file will show that she managed to obtain medical certificate from a Doctor in Cochin and sought extension of leave and it was refused by the management. Apart from this she sought adjournments on several days and eventually the management was compelled to conduct the enquiry ex-parte. After having given sufficient opportunity to the delinquent to appear and participate in the enquiry, she cannot be heard to say that enquiry was held as an empty formality in her absence. The question to be looked into is whether the management afforded sufficient opportunity to the delinquent. If that opportunity to be availed of or deliberately missed she cannot be heard subsequently that the enquiry is vitiated by the

principles of natural justice. Unauthorised absence and her failure to appear before a Doctor to test her veracity as to whether she applied for extension of leave on genuine grounds will amount to serious misconduct. As matters stand now the enquiry is valid, proper and legally sustainable.

8. Point No. 2.—Taking into account the merits and demerits of the case and the charges levelled against the delinquent I am of opinion that the extreme penalty of dismissal is disproportionate to the gravity of misconduct. I can rightly say that she procured medical certificates from a Doctor in Cochin and sent extension application from Delhi. However I am of the opinion that to impose the extreme penalty of dismissal will be shockingly disproportionate to the gravity of misconduct. It is a fit case to award lesser punishment. Instead of dismissal it will suffice if the delinquent workman is withheld two increments without cumulative effect. Therefore modifying the punishment, I direct the management to reinstate her in service without back wages and impose on her the punishment of withholding of two increments without cumulative effect.

9. In the result, the reference is answered holding that the order of dismissal is disproportionate to the gravity of misconduct and that order is set aside. The delinquent workman is directed to be reinstated by the management after imposing withholding of two increments without cumulative effect and without back wages.

Ernakulam,
17-7-1995.

VARGHESE T. ABRAHAM, Presiding Officer
APPENDIX :

Witness examined on the side of Management :

MWI—Sri Swaminathan.
Exhibit marked on the side of management :

Ext. MI—Enquiry report, findings and other connected papers.

नई दिल्ली, 23 अगस्त, 1995

का.प्रा. 2440.—श्रीदीयिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैं सेंट्रल कोलफिल्ड्स लि. के केदला अंडरग्राउण्ड प्रोजेक्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीदीयिक विवाद में, केन्द्रीय सरकार श्रीदीयिक अधिकारण, (सं. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-8-95 को प्राप्त हुआ था।

[संख्या एल-20012/207/89-श्राविश्वार (कोल-1)]
ब्रजमोहन, डेस्क अधिकारी

New Delhi, the 23rd August, 1995

S.O. 2440.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. I), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Kedla Underground Project of M/s. C.C.L. and their workmen, which was received by Central Government on 22-8-1995.

[No. L-20012/207/89-IR (Coal-I)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947

Reference No. 34 of 1990

PARTIES :

Employers in relation to Kedla Underground Project of
M/s. C.C. Ltd.AND
Their Workmen.

PRESENT :

Shri P. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri B. B. Pandey, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, the 8th August, 1995

AWARD

By Order No. L-20012/207/89-I.R. (Coal-I), dated, the 15th February, 1990, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Kedla Underground Project of C.C. Ltd. (Mine No. 2), P.O. Kedla, Dist. Hazaribagh by not reinstating the service of Shri Basant Das with effect from 22-6-84 with back wages and other facilities provided by the management from time to time is justified ? If not to what relief the workman concerned is entitled ?"

2. The sponsoring Union in its written statement has stated that the concerned workman, Basant Das, was working as piece-rated worker at Kedla Underground Project of M/s. C.C. Ltd. The workman suffered from mental disease and underwent medical treatment for the same from 13-7-83 to 21-6-84 at the hands of one Dr. B. B. Singh of Ranchi Mansik Arogyashala. The management was informed of his illness as also of his treatment.

2. After having been cured of his disease the concerned workman reported for duty on 22-6-84 alongwith medical certificate, but was told that his case had been referred to Headquarter of C.C. Ltd. at Ranchi. Later the workman was told that his services had been terminated by the management on 16-6-84 for unauthorised absence. The workman contended that he never was served with any chargesheet for any such mistake nor the letter of termination was served upon him prior to his reporting for duty. It has been claimed that the workman was entitled to be reinstated with effect from 22-6-84 with back wages.

4. The management in its written statement admitted that the workman was employed under them but claimed that he was in habit of remaining absent from duty without information. The management claimed that the workman absented from 11-7-83 without the permission of the management hence the management issued a chargesheet against him dated 26-11-83 for his unauthorised absence with effect from 11-7-83. The workman failed to submit his explanation, nor he turned up for duty. The management waited till the middle of June, 1984 and considering the facts and circumstances the management decided to terminate his services as per their letter dated 15/16-6-84 issued by the Agent of the Project. It has been admitted that termination was punitive in nature.

5. The management has further submitted that since whereabouts the concerned workman was not known, it was not possible to hold detailed domestic enquiry but the fact remained that the workman concerned did not dispute his unauthorised absence from duty. It was submitted that the management would produce evidence afresh to justify its action. A prayer has been made that the claim of the sponsoring Union be rejected.

6. In view of the fact that no domestic enquiry was held by the management before dismissing the workman from service for his alleged misconduct. On the prayer of the management, it was allowed to adduce evidence in the Tribunal which the management did by examining MW-1, Shiv Prakash Modi, a Clerk in the office of Kedla Underground Mine. No evidence was adduced on behalf of the concerned workman.

7. The point for decision is whether the management was justified in its action in not reinstating the concerned workman with effect from 22-6-84 with back wages and other facilities and, if not, then to what relief the workman was entitled ?

8. MW-1 has said is his evidence that the concerned workman had absented from duty from 11-7-83 without information, after which a chargesheet dated 26-11-83 was issued. This chargesheet dated 26-11-83 is Ext. M-1. However, Ext. M-1 would show that the concerned workman, from July to November, 1983 had absented for certain days given therein, ranging from 13 days in November upto maximum of 26 days in October, 1983. However, it may be re-called here that allegation against the concerned workman was that he continuously absented from 13-7-83. Through Ext. M2 an Office Order was issued on 15/16-6-84 terminating his services with effect from the date of communication in view of his continuous absence with effect from 11-7-83, vide Chargesheet dated 28-10-83.

9. This will show that the chargesheet in Ext. M-1 is not the chargesheet on which action was taken by the management in Ext. M-2 because the dates of the two chargesheets are different.

10. Coming back to the evidence of MW-1, in cross-examination he has admitted that the management had not filed register to show that the workman was a habitual absentee. He denied that the father of the concerned workman who was also a workman in the same Project, had filed an application of the workman regarding his illness. It was also denied that order in Ext. M-2 was prepared when on 21-6-84 the concerned workman, after being cured, reported for duty.

11. It is rather unfortunate that the sponsoring Union did not think it fit even to examine the concerned workman as a witness in order to justify his absence. It stands admitted in the written statement of the workman that from 13-7-83 to 21-6-84 the concerned workman was absent because of his illness and had reported for duty on 22-6-84. In absence of any such evidence, the workman had failed to produce a satisfactory explanation for his absence. The management in its written statement has submitted in para 5 that as per Model Standing Orders, which is applicable to this Project, continued absence of the concerned workman from duty is a misconduct. This has not been denied by the learned Counsel for the workman.

12. Obviously the management by its evidence has proved that for the aforesaid period the concerned workman had remained absent without any information and without authorisation. The workman not having brought any evidence on the record about his illness, has failed to prove that his unauthorised absence was in any way justified. Mere assertion of such fact in the written statement cannot be treated as evidence.

13. By not adducing any evidence the concerned workman also has failed to prove that he presented himself for duty on 22-6-84 as claimed in Para 6 of its written statement. The management in its written statement has denied this assertion. The management's witness also has denied suggestion, in cross-examination, that the dismissal order in Ext. M-2 was prepared when on 21-6-84 the workman had reported for duty. However, there is slight discrepancy in the date of his reporting for duty as mentioned in its written statement and as given in the suggestion to the management's witness.

14. In view of the materials on the record I must hold that the workman had remained absent unauthorisedly, for a long period without any information and justification, which admittedly is a misconduct for which punishment of

dismissal could accrue. Therefore, I find that in its evidence in the Tribunal the management has proved that the concerned workman had remained absent without authorisation for a long period. Therefore if the workman is dismissed from service, that order cannot be said to be unjustified in view of the nature of misconduct committed.

15. But there is another legal point to be considered which is that the dismissal order of the concerned workman through Ext. M-2, dated 15/16-6-84 was illegal since that order was passed without holding any departmental enquiry. The management has not even proved that the chargesheet in Ext. M-1, or even the chargesheet mentioned in Ext. M-2, were served upon the concerned workman in legal manner. This dismissal order having been illegal, the concerned workman must be considered to have continued in service although. Since the management has proved by evidence in the Tribunal that the order of dismissal is justified one, in view of the misconduct committed by the concerned workman, the order of dismissal could take effect only from the date of this award. Therefore, upto the date of this award the concerned workman must be deemed to have continued in service and entitled to the back wages.

16. But in view of the fact that the workman has not brought any evidence on the record that he actually had reported for duty on 22-6-84, as claimed in its written statement, there is no evidence on the record to show as to on which date, if any, the workman had reported to the management for duty and was denied its request. If the workman on his own, for whatsoever reason had remained absent without authorisation, he could not claim wages for that period. Therefore, it is difficult to award back wages to the concerned workman with effect from 22-6-84.

17. In view of the fact that the order of dismissal as obtaining in Ext. M2 was illegal coupled with the fact that the workman has not brought evidence on the record to prove as to on which date he had actually reported for duty after his alleged illness, I think that back wages to the concerned workman should be allowed from the date this reference was received in this Tribunal. This reference was received in this Tribunal on 20-2-90. Therefore, I direct that the management should pay to the concerned workman his full wages with effect from 20-2-90, upto the date of this award. I also hold that the order of dismissal was justified which would take effect only from the date of this award in which the aforesaid order has been found to be justified.

18. Following, therefore, is the award—

The action of the management of Kedla Underground Project of M/s. C.C. Ltd. in not reinstating the services of Basant Das with effect from 22-6-1984, on which date he allegedly had reported for duty, was unjustified to the extent that the order of dismissal of the concerned workman, passed earlier, was not in accordance with law. But that order of dismissal, because of which he was not allowed to be so reinstated shall take effect with the date of this award for the purpose of his back wages. In the circumstances already discussed the management, therefore, is directed to pay full back wages to the concerned workman from 20-2-1990 upto the date of this award.

Under the circumstances of the case, there shall be no order as to the cost.

P. K. SINHA, Presiding Officer

नई दिल्ली, 24 अगस्त, 1995

का.प्रा. 2441.—ग्रोवोरिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार म/स डि.वि. एच, इंटरनेशनल लिमिटेड के प्रबंधितक के सबद्व नियोजकों और उनके कर्मकारों के बीच, मनुष्यांश में निर्दिष्ट ग्रोवोरिक विवाद में केन्द्रीय सरकार ग्रोवोरिक अधिकरण, नं.-2, बम्बे के पंचपर को प्रकाशित 2106 GI/95—9.

करती है, जो केन्द्रीय सरकार को 23-8-95 को प्राप्त हुआ था।

[संख्या एल-31011/5/92-आइ-आर. (विविध)]
बा. एम. डेविड, डस्क अधिकारी

New Delhi, the 24th August, 1995

S.O. 2441.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. DBH International Limited and their workmen, which has received by the Central Government on the 23-8-95.

[No. L-31011/5/92-IR(MISC)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/55 OF 1993

Employers in relation to the management of M/s. DBH International Limited.

AND

Their Workmen

APPEARANCES :

For the employer : Shri K. M. Shetty & Shri C. D. Prabhu Advocates.

For the workmen : Shri S. R. Wagh, Advocate.

Bombay, dated 31st July, 1995

AWARD

The Government of India Ministry of Labour by its letter No. L-31011/5/92-IR(Misc) dated 3rd of June 1993 had referred to following industrial dispute for adjudication.

SCHEDULE

"Whether the action of the management of M/s. DBH International Ltd. is justified in retrenching Shri Ghosalkar, S. R. Parab, E. T. Deshmukh, Chiman Sawant, Baban Vethekar, Mrs. D. D'Mello and Mrs. Rajalakshmy H. Pillai with effect from 16-9-1991? If not to what relief are the workmen entitled to?"

2. The Secretary of Transport & Dock Workers' Union Bombay had filed a statement of claim for the 7 employees who were retrenched (hereinafter they are referred to as the workmen) Mrs. DBH International Ltd. is the company with whom they were working.

3. The Company is doing the business with major Ports of Bombay as a clearing and forwarding agent for last three decades. The business was conducted in the name of Dahabhai Hormasji & Sons Limited having clearing agency licence No. 11 of 1965. In the year 1986 the Company started functioning under the name of DBH International Limited.

4. On 16-9-1991 when the workmen came to the Office they were shocked to receive the news that 7 workmen from total staff of 10 employees are terminated with immediate effect. They immediately approached the Union and made a joint representation on 17-9-1991. They also approached the Assistant Labour Commissioner (Bombay) for help.

5. The Company implemented the retrenchment w.e.f. 16-9-1991. The dispute which was before the Assistant Labour Commissioner could not be resolved. It is submitted

hat the retrenchment is illegal, improper and uncalled for. It is unjustified. The company had not followed the provisions of law retrenchment before giving effect of retrenchment to the workers.

6. The workman pleaded that the Company once tried to take resignations from the workers by way of voluntary retirement. They opposed the same ultimately before the Labour Commissioner the Company had given up the alleged scheme of voluntary retirement. It is ever that there was no slack of business in the Company for justifying its action of retrenchment. It is ever that in view of rule 77 of the Industrial Disputes Act of 1957 a list of all workmen in particular category from which retrenchment is contemplated, arranged according to seniority of their service in that category and a copy thereof to be pasted on notice board in conspicuous place in the premises of industrial establishment at least 7 days before the actual date of retrenchment. It is ever that no such notice was given by the Company. It is submitted that the Company refused to carry out the work offered by its long standing clients. It employed the outside agencies to get the work done. It is, therefore, prayed that the retrenchment of 7 workers be declared as illegal and they may be reinstated w.e.f. 16-1-1991 with full back wages and continuity in service.

7. The management resisted the claim by their written statement Ex. '3'. It is aver that the action of the management is perfectly legal and proper. It is denied that no seniority list of the workers was published. It is asserted that on 7-9-1991 the employer displayed a notice showing the seniority of the workmen and bracketed the names of staff who are proposed to be retrenched. In fact the affected staff was trying to see whether they would offered extra amount equal to the amount offered to those who voluntarily agreed to leave after they fail and the retrenchment took place they approached the Union.

8. The management contended that the Tribunal can only adjudicate as to the justifiability and fairness, and not the legality of the retrenchment. Therefore, the contention of the Union that the retrenchment was illegal cannot be looked into. It is denied that the Company tried to take resignation from the employees on the grab of voluntary retirement scheme.

9. The Company contended that its business conditions were poor. The staff was being paid without any work and that the employer has been suffering loss every month. It is aver that the workmen gave in writing regretting their inability to handle their documents even of the work under clearance. The employer was therefore compelled to pass on to other whatever work was in hand and therefore since 18-9-91 the employer has no work at all. It is submitted that the employer is the best judge to decide how business is to be conducted or managed. It is denied that the decision of the retrenchment was to get rid off the permanent workmen. It is submitted that for all these reasons the reference has to be answered in favour of the Company.

10. The Union filed its rejoinder at Exhibit '4'. It reiterated its stand which it took in the statement of claim. The issues that fall for my consideration and my findings thereon are as follows :

ISSUES

FINDINGS

1. Whether the action of the Management of M/s. DBH International Limited is justified in retrenching the 7 workmen w.e.f. 16-9-1991? Action is justified but retrenchment is void and illegal.
2. Whether the retrenchment is in compliance with section 25F of the Industrial Disputes Act? No. - -
3. If not to what relief are the workmen entitled to? As per order below.

11. **REASONS** : To Bolster up the case the workman examined Mrs. Dagmar D'Mello for all the workers at Exhibit '8'. Raman Gopalji Mistri (Ext. '13') led the evidence for the management. They relied on the documents produced by both the parties on record which are at Exhibit 5 & 6.

12. The Learned Advocate for the Company argued that in the reference the word justification is used and under such circumstances the Tribunal cannot look into the legality of the retrenchment. While submitting that it is lied to suggest that if the Tribunal choose to decides the legality of the retrenchment. It enlarges its jurisdiction which is not permissible. It is also submitted that if that is done the Tribunal has gone behind the reference.

13. The Learned Advocate for the Company placed reliance on Potary Mazdoor Panchayat V/s. Perfect Potary Company Ltd. 1979 LAB IC A-27 wherein the Lordship observed that Tribunal cannot gone beyond the terms of reference. In that case the reference was wheter the closure was justified and proper ? The Tribunal went into the the question there was in fact closure that was held to be reference. In that case the reference was whether the glos- IC 1113 it was held that the party cannot be allowed o challenge very basis of the dispute. In the case of Ram-murti Vs. Tinu Univalli 1963 (1) LLJ 507 their Lordship observed that Labour Court for adjudication shall confine its adjudication to the points of dispute referred to and nothing more than that.

14. The principle laid down above are not disputed by the Learned Advocate for the Union. The word justified which appears in the reference suggests the action to be rightful in the Law Lexicon. The meaning of justifiable is given as rightful, warranted or sanctioned by law, that which can be shown to be sustained by law. In other words it has to be said that when in reference the word justified is used that action has to be seen to be correct under a law. It means when a justification is seen, its legality has to be seen, I therefore find that the ratio in the abovesaid authorities does not say that when the word justified is used its legality cannot be questioned. I do not think that when the legality of the action is seen on the basis of word justifiability, it is going to be outside the scope of the reference.

15. D'Mello (Ex. '8') affirmed that the voluntary retirement schemes introduced by the Company in the year 1990 under coercion, threat of closure and misleading all its employees. It is not in dispute that the Company then withdrew that scheme with an intervention of the Assistant Labour Commissioner. This fact clearly goes to show that the Company had no business to carry out the work with the existing employees. It is, therefore, if offered the scheme of voluntary retirement. It is undisputed that at that relevant time at least 6 workmen opted for that scheme and retired. That action by no stretch of imagination can be said to be an action of the Company to close down the business. Mistri (Ex. '13') constituted Attorney of the Company affirmed that there was no sufficient business for the Company and therefore it has to retrench the worker. He accepts that his Company is an associate Company of a Thaper group. Its major business is from Thaper group, he also accepts that the Companies from whom they get work are still working. On this admission it is tried to argue that even there was enough work with the Company the company deliberately in collusion with its clients that is associate company of a Thaper group created a record that there was no business. I am not inclined to accept this reasoning. Because there is no suggestion that even though the Thaper group was ready to give the business the Company refused it. The conclusion that the Company from whom they were getting business are doing well does not mean that they were still ready to give business to the Company. Mistri affirmed that the business has reduced. In paragraph 3 of his evidence he had shown how the business is reduced. In August 1991 earning were only Rs. 756 whereas the salary of 10 staff and one Assistant Manager amounted to Re. 29,040. So far as this position is concerned it is not seriously disputed.

16. Mistry affirmed that the retrenched staff threatened the workers to their life. They gave a writing dated 18-9-1991. It is, therefore the Company handed over the work to other clearing agencies and because of this refusal by existing staff no work could be carried out from 18-9-1991. So far as threats by the retrenched staff is concerned, it is without merit. It is because no police complaints was made by the management nor the existing staff was examined to substantiate that contention. It is not in dispute that the licence

which the Company had till 31-12-1993 was not renewed. It was expired on that date.

17. It is rightly argued on behalf of the Company, if really it had an intention to retrenched the workmen immediately after the withdrawal of voluntary retirement scheme, they would have taken that action but they waited for a year. But as the situation did not improve they took the action of retrenchment. For all these reasons I find that the Company was justified in retrenching its worker.

18. Mr. Wagh the Learned Advocate for the workmen argued that even if the Tribunal comes to the conclusion that the action of retrenchment was necessary and justifiable as it contravenes the mandatory provision of section 25F of the Industrial Disputes Act. The retrenchment of 7 workmen amounts to illegality. Section 25F reads as follows :

- (a) The workman has been given one month's notice
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months, and
- (c) notice in prescribe form

19. It is not in dispute that provisions of section 25F (a) and (b) are mandatory requirement of retrenchment and its non-compliance render retrenchment invalid and inoperating. The amount of retrenchment compensation must be paid or offered before the workman is asked to go and also the correct amount must be paid or offered. If the amount offered or paid is not correct it amounts to non-payment at all. In other words it does not bring about cessation of services of the workmen and the workmen continued to be in service and if the retrenchment is invalid in law subsequent payment or compensation cannot validate it.

20. The Company published a seniority list (Ex. '6/1') dated 7th of September, 1991. It prescribes the names of retrenched person and the date of their joining. The retrenchment had taken place w.e.f. 16-9-1991. It had given about 7 days notice as contemplated in rule 77 of the Industrial Disputes Act, 1947. The notice of retrenchment is dated 6-9-1991 (Ex. '5/2'). The retrenchment is effective immediately w.e.f. 16-9-1991. The details of termination dues including retrenchment compensation are mentioned in the said notice. The said notice do not mention the service period of the workmen or for how many years of service for retrenchment compensation as per the section 25F (b) is calculated.

21. Mr. Wagh the Learned Advocate for the workmen argued that the retrenchment compensation offered in the notice dated 16-9-1991 is incorrect. To substantiate this he had drawn my attention to the date of appointment of each of retrenched workmen as mentioned in the seniority list dated 7-9-1991 (Ex. 'M-6'). The workmen accepted the date of the joining as shown in the list. On its basis they prepared a chart (Annexure I alongwith notes of argument showing the details of retrenchment which the workmen is entitled to). It is argued that on its basis it is very clear the amount which is given by the Company to the workmen at the time of retrenchment is incorrect and it amounts to illegality. It has to be said that as the amount offered is a short which in law is no payment. It is so observed in Trade Wines Limited and Prabhakar Dattaram Phodakar of Bombay and Others 1991 II LLN 500. It is also observed herein by their Lordship retrenchment compensation payable under section 25F(b) has to be calculated on monthly wages for 26 days. On that basis 15 days average pay has to be worked out.

22. The Learned Advocate for the Company argued that when a Tribunal comes to the conclusion that the retrenchment was improper then it has to be decided what should be the proper relief. It is submitted that the relief has to be limited upto 18-9-1991 as Company cease to function from that day. I am not inclined to accept this. Because the licence of the Company was in existence as per the version of Mistri till 31-12-1993. It is tried to suggest that as the business was closed from 18-9-1991 the notice dated 16-9-1991 is to be treated as notice of termination due to the closure of the business is without any justification. In fact

unless the Company terminates the services of the workmen it cannot be concluded that their services are terminated as the licence was not renewed. There is no clear evidence by which it can be said that the licence was not renewed. In this reference it can not be decided whether the company was closed on a particular date or not. If it is so decided it can be said that the Tribunal had gone outside the scope of the reference which is not permitted as argued by the Learned Advocate for the Company. Under such circumstances the workmen are entitled to reinstatement in service with continuity with full back wages from 16-9-1991. I record my findings on the issues accordingly and pass the following order :

ORDER

1. The action of the management of M/s. DBH International Limited is justified in retrenching the 7 workers w.e.f. 16-9-1991 but as the retrenchment is illegal and void they are entitled to reinstatement in service with full back wages and continuity in service.
2. No order as to cost.

Dated, 31-7-1995.

S. B. PANSE, Presiding Officer

नई दिल्ली, 24 अगस्त, 1995

का.आ. 2442.—प्रौद्योगिक विवाद प्रधिनियम, 1947 (1947 का 14) की आरा 17 के अनुसार में, केन्द्रीय सरकार अंते पोर्ट ट्रस्ट के प्रबंधरांत्र के संबंध नियोगों प्रौद्योगिक विवाद में निर्दिष्ट प्रौद्योगिक विवाद में केन्द्रीय सरकार प्रौद्योगिक अधिकरण, न.-2, अंते के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-95 को प्राप्त हुआ था।

[संख्या एल-31011/23/92-प्राइवार (विविध)]
बी. एम. डेविड, डेस्क प्रधिकारी

New Delhi, the 24th August, 1995

S.O. 2442.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, BOMBAY PORT TRUST and their workmen which has received by the Central Government on the 23-8-1995.

[No. L-31011/23/92-IR(MISC)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2.

BOMBAY

PRESENT

SHRI S. B. PANSE
PRESIDING OFFICER

REFERENCE NO. CGIT-2/77 OF 1993
EMPLOYERS IN RELATION TO THE MANAGEMENT OF BOMBAY PORT TRUST

AND

THEIR WORKMEN

APPEARANCES :

For the Employer : Mr. M.B. Anchan, Advocate.

For the Workmen : Mr. P.G. Uparkar, Representative.

BOMBAY, dated 26th July, 1995
AWARD

The Government of India Ministry of Labour by its letter No. L-31011/23/92-IR (Misc) dated 4th of October, 1993 had referred to the following industrial dispute for adjudication. It is in the following terms.

SCHEDULE

1. Whether the demand of the BPT Mazdoor Sangh that the management of Bombay Port Trust should make arrangement of staff van to carry workmen from Bombay V.T./Church Gate Stations to Sasson Dock and vice versa is justified? If so, what relief, the workmen are entitled to?

2. The General Secretary of Bombay Trust Mazdoor Sangh filed its statement of claim at Exhibit 2. It is contended that the general category workmen who are working in Chief Engineering Department at Sasson Dock, Kulaba have to face difficulties on account of distance between V.T. Station to Kulaba which is about 5 to 6 kilometers. They have to travel by Bus from V.T. to Kulaba. In the evening the situation is the same. They have to spend half an hour in the morning. Again they have to spend half an hour to reach the V.T. Station in the evening. They have to spend Bus fare from their own pocket. It is pleaded that the general category workmen are posted at Kulaba since 1982 or so. They are facing these difficulties since then.

3. On 28th of January 1988 the general category workmen submitted a memorandum to the management and put forth their grievances. The management had not cared to look in it. Then again the letters were send.

4. The Sangh pleaded that the Bombay Port Trust management had committed unfair labour practice by showing favouritism or partiality to one set of workers regardless of merit in respect of rotation of staff, giving travelling allowances and arranging transportation. The management gave these facilities/concessions to some of categories of staff. They purposefully denied these facilities/concessions to general category workmen. They prayed for the relief of rotation system, travelling allowance, transport arrangement and other benefits.

5. The management resisted the claim by their statement (Ext. '3'). It is asserted that the Union

has no appreciable number of workers. It has no locus standi to espouse the dispute. It is submitted that the reference is vague as the Union has not specified the categories of employees or the names of workers from whom the dispute has been raised. It is pleaded that it is well settled principle in all sectors that the journey from the place of residence to the place of work and vice versa is the responsibility of the workman. It is therefore the Port Trust has no concern with the workmen travelling.

6. The Bombay Port Trust submitted that in view of different wage settlements the workers are paid transport reimbursement at the rate of Rs. 30 per month from 1-1-1989 to 31-12-1991 and at the rate of Rs. 50 per month from 1-1-1992. Since the tenure of the wage settlement expired on 31-12-1993 a fresh settlement is on the avail. It is, therefore, submitted that the present reference for a small section of workmen on a matter to be covered by All India Wage Settlements is therefore superfluous, unwarranted and uncalled for.

7. The management aver that so far as a rotation system is concerned, it has no concern with this reference. It is pleaded that the public transport is not available to some section of the class in a particular place. They were provided with it because the public transport facility is not there. It is submitted that there is no discrimination between the two set of workers. It is prayed that under such circumstance the reference deserved to be answered in favour of the management.

The Union filed its rejoinder at Ex. '4' and reasserted the contents taken in the statement of claim.

9. The issues that falls for my consideration and my findings thereon are as follows :—

ISSUES FINDINGS

1. Whether the demand of the BTP Mazdoor Sangh that management of Bombay Port Trust should make arrangement of a staff van to carry from Bombay V.T./Churchgate Station to Sasson Dock and vice versa is justified ?	Not Justified
2. If so, what relief the workmen are entitled to ?	Does not Survive

REASONS

10. The Sangh and the management by their pursuits at Exhibit 6 & 7 respectively informed the Tribunal that they do not want to led any oral evidence.

11. Both of them filed their written arguments at Exhibit 8 & 9.

12. A judicial notice can be taken up of the well settled principle that in all sectors the journey from the place of residence to the place of work

and vice versa is a responsibility of the workmen. Therefore the time and expenditure incurred by the employee for attending the duty at Sasson Dock is no botheration of the management.

13. It is not in dispute that in terms of the wage Settlement dt. 12th of June 1989 and 24th of May 1989 are applicable to Port and Dock workers at all major Port in India. Clause 3 & 4 employees of the Bombay Port Trust including the workmen concerned in the above reference of the Chief Engineer's department posted to work at Sasson Dock are paid transport reimbursement at the rate of Rs. 30 per month from 1-1-1989 to 31-12-1991 and at the rate of Rs. 50 per month from 1-1-1992 to 31-12-1992.

14. In view of the Settlements dt 6-12-1994 the amount is increased to Rs. 80 per month. Clause 14.2 of the said settlement also states.

"Whether the Port Trust/Dock Labour Board Transport is being provided availed for attending the place of duty from his residence, the concerned employees will be given an option either to continue the same facility or to accept transport reimbursement specified in para 14.1. The option shall be exercised within three months from the date of settlement. The option once exercised shall be final except when the location of duty is changed."

Under such circumstances the demand of the Sangh is unjust and unfair. I find substance in the argument of the management to this effect for the above said reasons.

15. So far as the demand regarding rotation system which is made in paragraph 6-A of the statement of claim is concerned is outside the purview of this reference. It cannot be considered here.

16. The Mazdoor Sangh tried to argue that a discrimination is created between the 2 set of workers so far as providing the transport facility. To meet this argument the Learned Advocate for the management Mr. Anchan argued that workers of Marine Oil Terminal posted in Boocher Island (since remained as Jawahar Dweep) is unwarranted. It is because that dweep is at the meads of the sea at the distance of about 45 minutes journey by ferry and is a isolated place. There is no public transport facility to reach that place. In 1956 Marine Oil Terminal was installed there, that time it was decided that travelling allowance to the workers posted on that Island to motivate them, to accept the posing is to be given. That practice continued till date as an existing benefit. It is rightly argued that no comparison can be made with the workers working there and the others. I

find substance in the same. So is the case of Port Pirpau. So far as the workers posted at Marine Oil Terminal there nearest railway station is Savari. No comparison can therefore be made between employees posted at Sasson Dock Kulaba and the employees posted at Marine Oil Terminal Pirpaul.

17. For all these reasons I record my findings on the issues accordingly and pass the following order.

ORDER

1. The demand of the BPT Mazdoor Sangh that the management of Bombay Port Trust should make arrangement of staff van to carry workmen from Bombay V.T./Church Gate Stations to Sasson Dock and vice versa is not justified.
2. No order as to cost.

Dt. 26-7-1995.

S. B. PANSE, Presiding Officer

नई दिल्ली, 24 अगस्त, 1995

का.प्रा. 2443.—शौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एथर इंडिया, बंबई के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट शौद्योगिक विवाद में, केन्द्रीय सरकार शौद्योगिक अधिकरण (सं.-2), बंबई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-95 को प्राप्त हुआ था।

[संख्या एल-11012/10/89-माईआर (विविध)/माईआर (कोल-I)]

ब्रज मोहन, ईस्क अधिकारी

New Delhi, the 24th August, 1995

S.O. 2443.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2), Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Air India, Bombay and their workmen, which was received by the Central Government on 23-8-95.

[No.L-11012/10/89-IR(Misc)|IR(Coal-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2

PRESENT :

SHRI S.B. PANSE—Presiding Officer.

REFERENCE NO. CGIT-2/6 OF 1990

Employers in relation to the management
of Air India, Bombay.

And

Their Workmen.

APPEARANCES :

For the Employer—Mr. J.P. Cama & b
Mulla & Mulla & Craigie Blunt &
Caroe, Advocates.For the Workmen.—Mr. Umesh Nabar,
Advocate.

Bombay, dated the 2nd August, 1995

AWARD

The Government of India Ministry of Labour by its letter No. L-11012/10/89-IR(Misc.) dt. 8th of March, 1990 had referred the following industrial dispute for adjudication.

SCHEDULE

“Whether the action of the management of Air India in not regularising the services of Mr. M.K. Solanki, Typist Clerk w.e.f. 23-4-1979 and terminating his services as a Clerk w.e.f. 23-3-83 and subsequently deploying him as a Casual Labour in 1984 and lastly terminating Mr. Solanki as a Casual Labour w.e.f. 16-12-1985 is legal and justified. If not, to what relief the workman is entitled ?”

2. Mahesh K. Solanki the workmen contended that he was working as a typist/clerk with the M/s. Air India from 23-4-1979 to 2-11-1979 continuously for 188 days. Later on he was continuously in service for 180 days between 2-9-1980 to 20-3-1981. He pleaded that he served the Corporation in the period of strike of October 1980 and November 1980. The other employees who worked during the strike were absorbed by the Corporation but the workman was not absorbed. It is asserted that during November 1982 to March 1983 a workman worked with the Corporation with some artificial breaks. Later on he was deployed as a loader/cleaner by the Corporation w.e.f. 13-2-1984 and without giving any valid reasons his services were terminated w.e.f. 16-2-1985.

3. The father of the workman was in employment of the Corporation for over last 36 years. He retired from the service on 28-2-1990. The prevailing practice in the Corporation to give an employment of a permanent nature of the sons, daughters of the employee after there retirement

or a death. The workman was not engaged under the said prevailing practice. It is pleaded that even though the workman worked for more than 240 days in a 12 months period, he was not permanent. It is aver that as he was not given the post of clerk-cum-typist. He made request to give a post for casual loader-cum-cleaner. That was all given for short time but again he was terminated.

4. The workman pleaded that the Corporation had not followed the necessary provisions of the Industrial Disputes Act such as 25F read with section 25 (b), section 25G and section 25F. It is aver that some temporary clerks and store keepers namely Shri P.S. Kapodaskar, Shri C. B. Gavas, Shri L. N. Ramas and Shri S.A. Rao were considered for regular vacancy of a cleaner and they have been working as a permanent employee of the Corporation since 1983. The workman's case was not considered alongwith them. He made several representations to the Corporation but it is without any effect. The Workman pleaded that his service record with the Corporation is very clean. It is prayed that the action of the Corporation in not regularising the service of the workman as a typist/clerk and then terminating him be declared as illegal. Later on not regularising the service of the workman as a Casual Labour and terminating him are unjust. He prayed for reinstatement in service with full backwages.

5. The Corporation by its written statement (Ex. '3') resisted the claim. It is aver that the reference ex facie is illegal and unsustainable. In one reference there are 4 inconsistent references. It is, therefore, incapable of being answered. It is pleaded that the reference is bilated and clearly barred from consideration by the doctrine of latches.

6. The Corporation aver that the workman was given an appointment strictly temporarily and on compassionate grounds. It was not on merit or open selection. The appointment was for a fix term and after the efflux of the time the service automatically ceased. The workman accepted the employment on its basis. Now, he cannot claim regularisation on its basis. It is denied that the services of the workman were illegally terminated. It is aver that the workman had not qualified for a permanent absorption in the post of clerk-cum-typist. As he has only qualified to the S.S.C. grade and not a graduate which is a minimum qualification for the said post. It is aver that there is no policy or a practice in the Corporation to compulsorily employ sons or daughters after there retirement or a death. The Corporation denied that the workman had worked for the days which he alleged in his statement of claim. It is aver that the workman never worked for more than 240 days

in 12 months period. It is aver that as the workman had not worked for 240 days in any 12 months period. No question arises of workman concerned having been illegally retrenched or of the application of section 25F or of 25 (b) of the Industrial Disputes Act. It is aver that section 25 N of the Industrial Disputes Act has no application in the present case. It is submitted that the claim of the workman to get an employment as on the basis of his father's service, as the most can be accrued after his retirement and not prior to it. It is submitted that there is no justification in the claim of the workman for getting a regular appointment for the post of clerk-cum-typist or that of a casual labour-cum-cleaner. It is submitted that under such circumstances the reference has to be answered in favour of the Corporation.

7. My Learned Predecessor framed issues for consideration at Exhibit '4'. The issues and my findings thereon are as follows :

ISSUES	FINDINGS
1. Whether the present reference made by the Central Government is valid and legal ?	Yes
2. Whether the workman proves that he worked with the Air India during the different periods, as alleged by him ?	Yes
3. Whether the model standing orders apply to the said Corporation ?	Does not arise
4. Whether the Corporation has committed a breach of the provisions contained in the 25 F read with section 25 B of the Industrial Disputes Act in relation to the said workman ?	Does not arise
5. Whether the holding of the inquiry against the workman was essential in the present case, before the work as referred to him ?	Does not arise
6. Whether the corporation did comply with the provisions of section 25G of the Industrial Disputes Act, and if so, whether its action in the matter	Does not arise
7. Whether the provisions of section 25 F of the Industrial Disputes Act apply to the Corporation, and if so, whether the Corporation has not followed the provisions thereof in the present case ?	Does not arise
8. Whether the action of the management of Air India in not regularising the services	Does not arise

of Mr. M.K. Solanki, Typist Clerk w.e.f. 23-4-79 and terminating his services as a Clerk w.e.f. 23-3-1983 and subsequently deploying him as a Casual Labour in 1984 and lastly terminating Mr. Solanki as a Casual Labour w.e.f. 16-12-1985 is legal and justified ?

Legal and Just

9. If not, to what relief the workman is entitled ? Does not arise

10. What Award ? As per the order below.

REASONS :

8. Mr. M. K. Solanki (Ex. '7') affirmed that he was appointed as a clerk-cum-typist by the Corporation for a fixed period. He accepts that the appointment letters which are at Ex. '9 to 20' are correct. He was appointed in different department of the Air India and on the basis of the availability of the vacancies. After perusal of these letters it clearly speaks that the appointment is for a specific period and is purely on temporary basis and the worker would not have claimed for a permanent appointment or a retention beyond the period specified above. He affirmed that for the period from 4-11-1980 to 1-9-1982, he worked for 294 days. He further affirmed that he worked for 308 days continuously during the period from 10-5-1982 to 23-3-1983. I do not find any incorrectness in the said statement. But the Learned Advocate for the Corporation relying on the documents produced by the workman alongwith Exhibit '6', tried to argue that in a fix period the workman had not worked for 240 days in a year. For that he had drawn my attention to Exhibit 22 a letter dt. 17th October, 1988 to the Managing Director, Air India head quarters Bombay by the watchman. It is pertinent to note that the days mentioned in this letter relate to that a particular period of appointment. The calculation is not based on the basis of 12 months. This letter does not help the Corporation for coming to the conclusion that the employee had not worked for more than 240 days in a calendar year.

9. Solanki in his cross-examination admitted that in December 1982 he was called for the written test for the post of typist-cum-clerk. As he did not receive the letter of passing he took that he failed in the same. Rajendra Motiram Pawar (Ex. '11') affirmed that the workman did not pass the examination. It is not in dispute that by September, 1982 the qualification for a clerk-cum-typist is a graduate. Admittedly the workman is not a graduate and pass only S.S.C. examination which is a qualification for the post of peon.

10. Solanki admits that as he is not a graduate he is not qualified for the post of clerk-typist. It appears that because of that by letter dt. 29th of

October, 1988, he asked for the permanent post of a cleaner. In another letter he informed the Corporation that he may be considered for any suitable post. It can be seen that in a statement of claim and in the written arguments it is tried to submit that his request for considering a suitable post to him. It appears that this is so because he is aware of the fact that as he is not qualified for the post of clerk-cum-typist.

11. It can be seen that if a person who works for 240 days in a year is to be considered for the post for regularisation. It does not mean that he is automatically entitled for regularisation. His case is to be considered when the vacancy arises. It is to be considered when at the relevant time he is eligible for that post. In the present case he is found not eligible. It is tried to argue that even though in September, 1982 the minimum qualification of a graduate for the post of clerk-cum-typist came in existence, he was employed till March 1983. It appears so because he was in service at that time. It can be further seen that when temporary posts are given to the relatives of the employees of the Corporation, the Corporation appears to be on a liberal side. It is with a sympathetic view towards its employees. It appears to be just and reasonable. The appointment letters clearly go to show the appointment for a fix period. It is, therefore, no question of terminating the service. It is affirmed by Pawar that the appointments are given on temporary basis whenever there is availability of the work. If there is no work, no such appointment letter can be given. It is, therefore, not appointing the worker as a typist-cum-clerk later on cannot be said to be an illegality.

12. The workman admittedly gave an Application for getting an appointment for a Leader/Cleaner on casual basis. His father moved the Application. Later on he was considered and for some days he was worked in that capacity. The record speaks that he did not work for more than 240 days in a year in that capacity.

13. Pawar affirmed that in different writ petitions their Lordships have passed orders in respect of casual labourers. In those writ petitions the employees applicants are to be observed in the regular cadre. There are other directions. The company cannot file the regular vacancies other than the casual employees in those writ petitions. Under such circumstances the case of worker cannot be considered. I find substance in it. It can be seen so far as the Casual Labour is concerned the workman has fail to make out a case of working continuously for 240 days in a year. It appears to me as he did not comply with that aspect of the matter, he did not join in those writ petitions for getting absorption in a regular basis in that cadre.

14. Mr. Kangra the Learned Advocate for the Corporation argued that the reference cannot be answered as it consist of several demands. I am not inclined to accept this submission. Because from the points raised for considered on page 2 of

his written argument, they can be very well separately answered. If the first point is answered in the affirmative the second has to be answered in the negative and 3rd and 4th does not survive. If the first is answered in the negative the second does not survive and if the 3rd is answered in the negative the 4th can be also separately argued. I do not think that the reference is not capable of being answered.

15. The workman had written different letters to the authorities of the Corporation. He was continuously pursuing the authorities for getting the employment. As he failed, he approached Assistant Labour Commissioner and placed the demand. It is tried to argue that the reference is bilated and suffers from principles of latches. After perusal of voluminous letters written by the employee which are produced alongwith Exhibit '6', it cannot be said that he was sitting idle and was not bothering what is taking place. It cannot be said that the claim is stale. The attempt of the employee to get the claim is stale. The attempt of the employee to get the claim settled amicably cannot be a ground for attacking that the demand is stale.

16. I have come to the conclusion that the workman is not qualified for getting the post of clerk-cum-typist. There is no application of section 25F read with section 25B and section 25N and 25F of the Industrial Disputes Act.

17. From the statement of claim from the evidence of Solanki and from the notes of arguments it reveals that the workman was claiming an employment on compassionate ground. He has also claimed the employment on the ground that his father was serving with the Corporation for last 29 years and as per the prevailing rules after his retirement or a death the son or daughter of the employee is entitled to get a suitable employment. When the worker made the representation his father was in actual service. He retired in 1990. If this is so the claim on those alleged rules is accrued to the workman only in 1990 and not earlier. It is not that the workman had applied to get an employment on those alleged rules after 1990. At this stage I am not inclined to accept that the Corporation will not consider the claim of the workman under those rules if they are in existence.

18. For all these reasons I record my findings accordingly and pass the following order.

ORDER

1. The action of the management of Air India in not regularising the services of Mr. M. K. Solanki Typist/Clerk w.e.f. 23-4-1979 and terminating his services as a clerk w.e.f. 23-3-83 and subsequently deploying his as a casual labour in 1984 and lastly terminating Solanki as a casual labour w.e.f. 16-12-1985 is legal and justified.

2. No order as to cost.